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Senate

The Senate met at 2 p.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God our help in ages past, our hope for years to come, on yesterday millions remembered our kinship of loss because of September 11, 2001, and we paused to acknowledge Your authority over our lives.

Without You, we cannot function as a people or Nation. Without Your shield of protection, our efforts to defend ourselves will fail. Unless You bless our Nation, we labor in vain.

Keep us from the arrogance that places its confidence in weapons made by human hands. Infuse us with a national awareness that righteousness exalts a Nation and sin brings shame.

Today, as Senators work for freedom, give them an awareness of Your abiding presence and steadfast love. Help them to remember that those who love You are never alone.

And, Lord, in these challenging times, bless our military people who routinely give their tomorrows for our todays. We pray in Your mighty Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business until the hour of 3 p.m., with the time equally divided.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, we will begin today's session with a period for morning business that will extend for an hour, until 3. At 3, we will resume consideration of the Commerce-Science-Justice appropriations bill. We are prepared for Members to come forward to offer their amendments to the bill so that we can complete action early this week.

We reached an agreement to limit amendments to the bill, and now is the time for Senators to come and debate their amendments. There is a vote scheduled for this evening. At 5:30, we will begin a 1-hour period of debate prior to a vote at 6:30 on the motion to proceed to the resolution of disapproval on regulations relating to mercury. If that motion is not agreed to, we would return to the Commerce appropriations bill. If the motion is agreed to, then we would begin 2 hours of debate on the pending resolution.

Having said that, we will be continuing the appropriations process this week, with many of these bills having disaster-related language. It is important that we continue to expedite our efforts on all fronts, and therefore we will be voting throughout the week.

In addition to our floor business today, Chairman SPECTER opened the hearings on the nomination of Judge Roberts at noon, now 2 hours ago. We will make every effort to not interrupt those hearings as we continue our work on the floor, and therefore we will be looking to stack votes around lunchtime each day or later in the evening throughout the week.

CLEANUP PROGRESS SINCE HURRICANE KATRINA

Mr. FRIST. Mr. President, I am pleased to report that hour by hour, day by day, we are making steady progress in the rescue and recovery efforts in response to the natural disaster witnessed now a week and a half ago. As I speak, there are 20,000 Active military personnel on the ground, along with 50,800 National Guard, 4,000 Coast Guard, and 8,900 FEMA responders. There are over 1,000 uniformed commissioned public health personnel on the ground as we speak.

Law and order in New Orleans has been completely restored. Power is back for most of the city's central business district. City hall has running water and electricity. The Army Corps of Engineers reports that the city will be completely drained by early October. Hundreds of city engineers have been working around the clock, even sleeping on the floors of their pumping stations, to drain the toxic flood waters out of the city.

Aaron Broussard, president of Jefferson Parish, is seeing continual progress. In his words, we are feeding more people, we are recovering more people, the infrastructure is more improved, we are clearing more roads, we have more power—every day more victories.

Meanwhile, the Federal Government remains committed to helping shoulder the burden. To date, Congress has allocated more than $62 billion in aid for rescue relief and recovery efforts. President Bush has granted the hurricane survivors special evacuee status which will make it easier for the storm victims to collect Federal benefits such as food stamps, childcare, and Medicaid wherever they are in America.

FEMA has begun distributing $2,000 per household so that the survivors can start to get back on their feet and meet their immediate needs. This week, Congress will continue to clear

measures to cut redtape and bureaucratic tangles to help hurricane victims get the assistance they need. I expect the Senate over the week to clear legislation making it easier for evacuees to receive welfare benefits and student aid.

We also intend to boost FEMA's borrowing authority from $1.5 billion to $3.5 billion. The national flood insurance program administered by FEMA is facing its greatest losses in history. We need to make sure they have the resources they need so that victims receive appropriate, proper, and timely payment.

We are also working on ways to spur private investment in this overall rebuilding effort. Katrina is estimated to have swept away over 400,000 jobs. People need these jobs, and the Gulf Coast needs to be rebuilt bigger, more modern, and more prosperous so that it can provide economic opportunity. We will continue to press forward with the joint hearings announced last week on the preparations for hurricanes and that immediate disaster response. We need to find out what went wrong, what went right, what worked, and what did not.

It is clear that things did not turn out as we would like for them to at a response level, at the Federal level, at the State level, or at the local level. There have been problems at all levels of government, and we will get to the bottom of those problems.

Through it all, America will emerge smarter, stronger, and more effective in how we respond to disaster, natural and manmade. Nature has dealt a painful blow, but America does stand unified, and in the past 2 weeks her citizens have shown tremendous courage, generosity, and outpouring of spirit. Countless people are pouring out their hearts, time, and resources, and literally opening their homes to shelter and comfort the survivors. There are over 1.1 million people displaced. About half of those, or about 500,000, have been displaced to other States than those three most affected States. Private donations to hurricane relief funds have soared to nearly $700 million. The American Red Cross alone has received $500 million in gifts and pledges. Thirty-six thousand Red Cross volunteers are serving in over 675 shelters in 23 States.

The Salvation Army has received over $65 million. America's Second Harvest has raised nearly $12 million and delivered 16 million pounds of food. The list goes on. These are but a few examples.

Americans from all across the country and all walks of life are asking what they can do to help. The past 2 weeks stand as a testament to the depth and strength of our national character and civic bonds. Millions of citizens, millions of Americans, are committed to the care, nurture and well-being of one another. The rescue and recovery will continue. The cities and towns all across that Gulf Coast will be rebuilt. They will reemerge more modern and more prosperous than ever before. The Senate will continue moving forward on behalf of our fellow citizens and on behalf of future generations who will call the gulf coast home.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Minnesota is recognized.

NOMINATION OF JOHN ROBERTS TO BE CHIEF JUSTICE OF THE UNITED STATES SUPREME COURT

Mr. DAYTON. Mr. President, today the Senate Judiciary Committee began its hearings on President Bush's nomination of Judge John Roberts to be the next Chief Justice of the U.S. Supreme Court. I remain undecided and open minded, as I believe virtually all of my colleagues have also stated themselves to be, about the nominee. I will remain so until those hearings are complete. Nevertheless, I commend President Bush for acting swiftly and responsibly to nominate the successor to the very distinguished and dedicated former Chief Justice William Rehnquist. His tragic death, along with the announced resignation of Justice Sandra Day O'Connor, has created a second vacancy on the Supreme Court, a vacancy for which the President has not yet nominated a replacement but may do so any time in the future.

So it is not surprising that even while Judge Roberts confirmation hearings are just beginning, many Americans are already looking ahead and are attempting to influence the President's decision on this second Supreme Court nominee.

While President Bush unquestionably has the right to nominate the man or woman—I personally hope it is the woman—of his own choosing, and in fact the President has earned that right by his reelection last November, I believe he has the responsibility to select someone who would be the choice of the vast majority of all Americans, for this woman or man will be a Supreme Court Justice for all Americans living today and likely for all Americans yet to come for many years ahead. If confirmed, she or he will take an oath of office, as each of us has done, to uphold the Constitution of this great country, a 216-year-old document which still lives today to guarantee and protect the rights, the freedoms, and the responsibilities of all 290 million American citizens—not just the majority or the minority, not just Republicans or Democrats, not just conservatives or liberals, not just Christians, Muslims, or Jews, not just some but all Americans.

That responsibility—of the President, of this Senate, and of each Supreme Court Justice—to all Americans is why I found so disturbing an article in last Saturday's Washington Post. The front page lead-in said:

> In defense of Alberto Gonzales, supporters counter the idea that the Attorney General is too moderate for the High Court.

Alberto Gonzales, as we all know, is the Attorney General of the United States and is widely considered to be one of the President's most likely considered nominees to fill this second Supreme Court vacancy. The Washington Post story's headline reads: ''Gonzales is Defended as Suitable for the Court.''

The article begins:

> Supporters of Attorney General Alberto Gonzales have launched a campaign to rebut criticism that he is not reliably conservative enough to serve on the Supreme Court.

I find those words bizarre. Accurate, I have no doubt, in portraying a bizarre situation caused by the bizarre behavior of some bizarre people who are—and this is where it becomes frighteningly bizarre—seriously trying to determine who the President of the United States will or will not nominate to the U.S. Supreme Court.

It shall not be, they decree, someone too moderate to be suitable for the Supreme Court. Too moderate to be suitable to serve on the U.S. Supreme Court? What terrible acts of moderation has Attorney General Gonzales committed to make himself unsuitable, unfit or unqualified?

According to the article, as a justice on the Texas supreme court 5 years ago, then-Judge Gonzales sided with the court's majority in upholding the constitutionality of a Texas State law that provided a judicial bypass to allow a State judge, in exceptional circumstances, to allow a minor woman to obtain an abortion without her parents' notification. According to the article, Judge Gonzales:

> . . . wrote that he felt a duty to follow the law without imposing my moral view, even if the ramifications may be personally troubling to me as a parent.

In other words, he did what a State or Federal Supreme Court Justice is sworn to do, to decide upon the constitutionality of legislation that State legislatures or the Congress passes and that Governors or Presidents sign into law, based upon the written State and U.S. Constitutions, regardless of their personal views. If that is considered too moderate to be suitable for the Supreme Court, then this country is headed for the extreme deep end.

On the other side, to prove that the Attorney General is not too moderate to be suitable for the Supreme Court, his supporters reportedly note that, as President Bush's White House counsel, he successfully excluded the American Bar Association from the judicial selection process. That proves he is suitable? As I said, this political psychodrama has taken the bizarre twist of Alice in Wonderland, where black is white and up is down; where suitable is unsuitable and unsuitable becomes suitable, except that this is no play, and these people are not playing around. The stakes couldn't be higher, and these people are playing for them all. The stakes are the future of the

country and all the people, all of the people who live in this great United States of America.

One conservative activist is quoted in the Post story:

You finally get a Republican President a real Republican majority in the Senate and then you don't move the country to the right? It would be totally demoralizing to the President's supporters.

First of all, this notion that the U.S. Supreme Court is some liberal bastion is itself bizarre and wrong. Seven of the nine Justices on the current Court were named by Republican Presidents. Chief Justice Rehnquist and three Associate Justices were nominated by President Reagan, two by former President George W. Bush, one by President Ford and two by a Democratic President, President Clinton. But that composition of the Court, 7 of 9 nominees by Republican Presidents, that is not enough for the activist zealots. They believe that some of those Republican judicial nominees had become too moderate, once they were safely confirmed and placed on the Supreme Court.

Too moderate for them is a judge who has independent views. Too moderate is a judge who has sworn to uphold the Constitution and not to impose his or her views on that process of legislation and enactment into law as prescribed by the U.S. Constitution. Too moderate for them means refraining from judicial activism, which they profess to oppose but in fact oppose only when they disagree with the Court's findings.

Government is not a Burger King. You are not supposed to all ''have it your way.'' People who think getting their own way all the time, especially from the U.S. Supreme Court, is somehow a measure of Presidential greatness are seriously wrong. People who are demoralized if they do not get it all their own way, especially from the U.S. Supreme Court, are dangerously misguided. I implore President Bush to rise above his base, as it is described in the article. If it is not to be Attorney General Gonzales, then someone else who is moderate and who is therefore suitable, who is therefore qualified to serve in this highest Court of the land. It may not serve the perceived interests of some of his misguided supporters, but it will serve the best interests of all of his supporters, who are all of us—all of the American people. He is the President of all of us. He was elected through our process to represent all of us, to be supported when we can, and ultimately, in the office he serves, by all Americans. It is the process for him to nominate and for this body to confirm a U.S. Supreme Court Associate Justice who will also serve, look out for and serve all Americans.

I yield the floor and suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered. The Senator is recognized.

NOMINATION OF JOHN ROBERTS

Mr. REID. Mr. President, the Senate Judiciary Committee, as we know, has started hearings on the nomination of John Roberts to be the Chief Justice of the United States. I am confident that Chairman SPECTER, Ranking Member LEAHY, and the other committee members will do a good job exploring the nominee's qualifications for the job and thoroughly explore his judicial philosophy.

There is much at stake in these hearings. If confirmed, Judge Roberts will serve as Chief Justice for the next several decades. He will be the head of the third branch of the Federal Government and the most prominent judge in the world.

The Senate's duty to render advice and consent, with respect to his nomination, is one of the most critical tasks we will face in this Congress. I am very happy that no Democrat has prejudged the Roberts nomination. Not a single Democratic Senator has stated how they will vote on this nomination. Some may be leaning toward supporting him; others may be leaning against him. But every Democrat knows that we need to wait for these hearings, the questions and answers, the statements by Mr. Roberts and the independent witnesses before making a final decision. That is the responsible way to approach a nomination such as this.

I look forward to hearings, hearings that I know will be respectful, dignified, and thorough. I, personally, have encouraged Judge Roberts to answer questions fully and forthrightly. I, for one, am enormously impressed with Judge Roberts career and his obvious legal skills. I met him in my office right across the hall.

I said: How many trials have you had, Judge?

He said: None.

This man is an appellate advocate. He has argued nearly two score cases before the U.S. Supreme Court and many others at various appellate levels. I enjoyed meeting with him. It was soon after he was nominated. I saw him last week at the funeral for Justice Rehnquist. The only thing that I am troubled about, and I am troubled, is some of the memos he wrote during the Reagan administration regarding women's rights and other civil rights issues. In more recent years, he appears to have been a thoughtful, mainstream judge on the DC Circuit. I want to give Judge Roberts an opportunity to convince the Senate, the American people and myself that, as a Supreme Court Justice, he could continue to be a fair, evenhanded judge and not revert to his ideological roots that we saw during the Reagan years. If he can meet that test, I can support him. If he doesn't, if he is not persuasive on that point, I cannot support him. The burden is on John Roberts.

The Supreme Court hearings are likely to dominate the news today, but let's all remember, these hearings are about whether one man is qualified to fill one job. While we carefully weigh that important decision, I remind all my colleagues that, as we speak, there are hundreds of thousands of Americans without jobs, without homes, and they are losing hope as a result of our inaction. These are the people in the Gulf Coast region. We must get our priorities in line. It has been nearly 2 weeks since flood waters poured into Louisiana, Mississippi, and Alabama, and the terrible windstorms hit them. That is 2 weeks. Thousands of families have gone without shelter, schools for their kids, health care for their injuries and the resources they need to pick up and move on with their lives.

In the Senate, we passed two supplemental appropriations bills. That is good. It is a start, but it is not nearly enough. Along with Senator LANDRIEU, my colleagues and I introduced the Katrina Emergency Relief Act last week. The act would make changes in law that we need to give survivors health care, housing, education, and personal financial relief. We are trying to add these provisions to the Commerce, Justice, and Science appropriations bill. We had hoped the Senate would act on these items promptly, but it appears the majority will use procedural devices to prevent them from passing or even allowing votes on them. That is unfortunate. Thousands of survivors still are living on cots in the Astrodome and other places, makeshift shelters all across the country. These victims do not care about Senate procedures. They know that they need help now, not more redtape.

I believe America can do better, and we Democrats will continue to press for action on these items in the days ahead. The Government turned its backs on Katrina's victims once. We can't let it happen again.

In addition to votes on the four amendments to the Commerce appropriations bill that we want, we should help victims and help our troops by bringing to this floor the Defense authorization bill. Unlike the Commerce bill, the Defense bill is an amendable vehicle. Through this bill, the Senate would be able to get legislation here now and act on it. The Katrina relief emergency matter could be brought before the Senate and we could vote on it to help Katrina victims now.

But just as importantly, we need to act on the Defense authorization bill so we can get to our troops serving in Iraq and Afghanistan and their families the resources and support they deserve. The Defense bill delivers a better quality of life, state-of-the-art equipment, new housing for our troops, and relief for their families. This bill provides critical health care benefits for guardsmen and veterans. It also increases the

end strength of the reservists, Army and Marine Corps, so we can begin to take steps to relieve the stress of these overstretched Active military personnel.

This bill should be at the top of our Senate agenda, but I am sorry to say it is not. It is hard to comprehend that since May this bill has been literally languishing. It was reported out of the Armed Services Committee in May. We worked for a couple of days on it here on the floor. The Senate was not permitted to complete action on this important measure. We were working on this bill for a short time in July before the leader decided to set it aside in favor of the gun liability legislation. The gun liability legislation is the law. It has been signed by the President. The Defense authorization bill should be the law so our troops who are on the ground in Iraq and Afghanistan can get the help they need and give the families of the approximately 2,000 men and women who have been killed in Iraq the knowledge that we are doing something to help the people on the ground and to help the hundreds of thousands of veterans who have been spawned as a result of this war. This doesn't take into consideration the tens of thousands who have been injured and wounded in this war. Those fighting in Iraq deserve it. Those fighting in Afghanistan deserve it. Our veterans deserve it.

Americans can do better than this. The Defense bill should be taken off the back burner and placed on the front burner right now.

Our troops—I repeat—and the victims of Katrina are literally crying for our help. In the days ahead, we will owe the victims of Katrina and all the American people something in addition to relief. We will owe them answers. Four years after 9/11, the Government was supposed to be prepared for a crisis such as Katrina. Yet, as we all saw, the Federal Government was not, and we owe it to the American people to find out why.

Today on public radio, they had a number of pieces on Katrina, but the one that stands out in my mind was the story of St. Bernard Parish President Henry ''Junior'' Rodriquez who told of how it took 5 days before anybody came to help his parish of some 80,000 people. And the fifth day, did we see FEMA coming to help them, or American troops? No. His first sign of help was the Royal Canadian Mounted Police. ''Junior'' Rodriguez deserves to know why it took so long to get his parish help. All Americans should know.

Americans can do better. When we searched for answers following 9/11, Democrats and Republicans came together and established an independent blue ribbon commission that was a great success. Too bad we didn't follow all the recommendations. But Democrats, Republicans and, most importantly, the American people embraced its answers. Senator CLINTON has proposed that we need another independent commission, and we need it now.

I close by reminding everyone that times have changed. Times are different today than they were 2 weeks ago. We now have different priorities after Katrina, and our actions in the weeks ahead should reflect these new priorities. It is not business as usual for the families along the Gulf, and it should not be business as usual for us here.

Nowhere is this more clear than in the budget that is before this body. I spoke about that budget the night it came before us. I read a letter written to me by the mainline Protestant churches in America. They said please tell everyone this budget which you are about to pass is immoral. This is certainly worse than it was then.

I point out to everyone the results of the recent Census Bureau report which show that poverty rose for the fourth year in a row. Incomes dropped again, and more Americans are going without health care than the year before—almost a million more than the past year without health care.

Combine these facts and figures with the images of Katrina—images of the poorest and neediest among us bearing the brunt of a national tragedy—and ask yourself this question: Should we proceed with this budget that was immoral the night it was passed and even more so now, that cuts taxes for the rich and cuts Medicaid by $10 billion, cuts food stamps, student loans, and other programs for the neediest among us? The answer, of course, is no. We must revisit these priorities in the budget resolution.

America can do better. We can't change the past, but we can change the future. We can put the Senate's priorities in line with the American people, and there is no excuse not to do that.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BENNETT). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Are we in morning business?

The PRESIDING OFFICER. The Senate is in morning business. The previous order provided morning business between 2 and 3 equally between the majority and minority. The minority has consumed 30 minutes in morning business. So the Senator, if he wishes to speak, would have to ask unanimous consent to be allowed to speak on the majority's time.

Mr. DORGAN. Mr. President, I ask consent to speak for 10 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

NUCLEAR STRIKE PLAN

Mr. DORGAN. Mr. President, I read an item on the front page of the Washington Post yesterday which was both surprising to me and also extraordinarily disappointing: ''Pentagon Revises Nuclear Strike Plan.'' The strategy includes preemptive use of nuclear weapons. Let me read a portion of this and describe why I am so dismayed.

> The Pentagon has drafted a revised doctrine for the use of nuclear weapons that envisions commanders requesting presidential approval to use them to preempt an attack by a nation or a terrorist group using weapons of mass destruction. The draft also includes the option of using nuclear arms to destroy known enemy stockpiles of nuclear, biological or chemical weapons.

The draft Pentagon document is titled ''Doctrine for Joint Nuclear Operations.'' It is written under the direction of Air Force GEN Richard Myers, Chairman of the Joint Chiefs of Staff. According to the article in the Post, the document is currently available on the Pentagon Web site. It describes new circumstances might call for preemptive use of nuclear weapons by this country.

We saw what has happened with respect to a natural disaster in the Gulf Coast of this country. We saw the devastation of that. Yet that would perhaps be a fraction of the devastation if we have a nuclear device go off in one of America's cities, a terrorist acquiring a nuclear weapon and detonating it in one of America's cities. This country has a responsibility to stop the spread of nuclear weapons, to preach to the world that nuclear weapons must never again be used. Yet this country is now developing policies and putting them on the Web that say here is a new approach in which we might use a preemptive strike of a nuclear weapon.

If we get the Defense authorization bill back in the Senate soon, we will have a debate about the development of a new kind of nuclear weapon, a bunker buster nuclear weapon, an Earth-penetrating bunker buster nuclear weapon. Why? Because this Administration thinks we need a new designer nuclear weapon to bust bunkers.

We ought not be building nuclear weapons. We ought not build new nuclear weapons. We have stockpiles of thousands of nuclear weapons, the detonation of one of which by a terrorist group would kill thousands, perhaps hundreds of thousands, maybe millions of people.

The role for this country is to provide world leadership to stop the spread of nuclear weapons, not to be talking to the world about conditions under which we might use nuclear weapons preemptively. It is stark raving nuts to be doing this. I cannot understand what they can possibly be thinking about.

The fact is we have American soldiers fighting in the country of Iraq. This Senate authorized the President to initiate hostile actions against Iraq based on a substantial body of intelligence given to us by our intelligence

organization, most of which turns out to have been absolutely wrong. Dead wrong. Yet we are talking about preemptive strikes with nuclear weapons. I don't understand it.

If I might, by consent, I will show something from my desk. Mr. President, I ask I be permitted to show this. It is a portion of a wing strut from a Soviet Backfire bomber.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Why do I have this in my desk? We did not shoot this bomber down. We sawed the wing off this bomber, paid for with American taxpayers' money. Does anyone know why? Because of arms control agreements by which we reduced the number of nuclear weapons and the number of nuclear delivery systems—and that includes missiles, bombers and submarines. So I have in the Senate a piece of a wing from a Soviet bomber that used to carry nuclear weapons that would threaten this country.

How did that happen? Because Senators Nunn and LUGAR and others, along with President Clinton, working on arms control agreements, had the foresight to put together a program by which we reached agreements by which we reduce the number of nuclear weapons and reduce the number of carriers of those nuclear weapons. So I have part of a wing strut from a Backfire bomber.

I also have ground-up copper wire from a Soviet submarine that used to carry nuclear tipped missiles aimed at this country.

That is our job. Our job is to reduce the nuclear threat. Not use the threat of nuclear weapons against other countries or talk about conditions under which we would use the nuclear weapons in a preemptive strike. This is nuts.

We will start debating this once again in the Senate. We have these folks, and we have plenty of them here, who want to build new nuclear weapons. They want to start testing the ones we have. We do not need to test nuclear weapons. We know they work. And they want to build new nuclear weapons, Earth-penetrator bunker busters. It is exactly the wrong thing for this country to do.

HURRICANE KATRINA

Mr. DORGAN. Mr. President, over the past few days, as we have talked about the heartbreak of the devastation wrought by Hurricane Katrina, I have noticed that certain firms have been hired now to go in and provide assistance. One of the firms is the Halliburton Corporation. I have held hearings in the policy committee about this company, because there have been numerous serious allegations of fraud, waste, and abuse involving it, and yet none of the Senate's authorizing committees will investigate it.

Every time you talk about Halliburton someone says, you are criticizing the Vice President because he used to be president of Halliburton.

Well, this has nothing to do with the Vice President. It has to do with the American taxpayers getting bilked by a company that is overbilling. I will not go through the whole list of scandals. We have had hearing after hearing to explore them, because the authorizing committees will not. But this is a company that was paid to feed 42,000 soldiers in Iraq; yet they were only feeding 14,000. That means they are overbilling by 28,000 meals a day. And that is just the tip of the iceberg. It is unbelievable the amount of waste, fraud, and abuse that is going on.

And now, when it comes to dealing with Katrina, no-bid contracts, once again, win Katrina work. And we hear that Halliburton is now getting millions of dollars to do hurricane related work. I wonder who is minding the store? And when will someone start to care?

Incidentally, a woman by the name of Bunnatine Greenhouse was demoted last week in the Pentagon. She was the highest ranking civilian ever in the Corps of Engineers. She rose to that position, getting outstanding reviews all along the way. And then she spoke up. In the good old boy network, when they wanted to award no-bid contracts to Halliburton in Iraq, she spoke up. All of a sudden she gets demoted. She spoke up because she said what was going on was scandalous. The American taxpayer takes a bath as a result of all of this.

Let me tell you what she has told the Congress. Bunnatine Greenhouse, the highest ranking civilian employee in the Corps of Engineers, who refused to sign the no-bid contracts that went under a buddy system to Halliburton in Iraq, says:

> I can unequivocally state that the abuse related to the contracts awarded to KBR [Halliburton] represents the most blatant and improper contract abuse I have witnessed during the course of my professional career.

For blowing the whistle, she gets demoted. This is a woman who has had outstanding reviews by everyone along the way.

We have heard from people who worked for Halliburton who testified that the managers of this company said, When U.S. Government auditors come, do not dare speak to them. If you do, one of two things will happen. You will be fired or we will send you to the hot spots where there is active fighting in Iraq.

These are people who testified that they are providing food service to American soldiers and routinely serve food, the date stamp of which is expired, and they are told by Halliburton managers, feed it to them anyway.

I hope some day, some way, the people in Congress who have the capability to issue subpoenas and hold oversight hearings will finally start doing their job. We ought not go back to the same well for the reconstruction with respect to the devastation wrought by Hurricane Katrina. The victims of that hurricane need help. They need good help. The American taxpayer shouldn't be taking a bath while that help is given.

I yield the floor.

Ms. LANDRIEU. Will the Senator yield?

The PRESIDING OFFICER. The time of the Senator is expired.

Ms. LANDRIEU. I ask unanimous consent for 2 minutes for the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. If the Senator will yield, I caught the tail end of the Senator's comments about Halliburton. Of course, we have people who work in Louisiana for Halliburton, but I most certainly understand the Senator's concern if there are these accusations against Halliburton in Iraq. We want to be very careful with our reconstruction dollars right here at home, that companies we ask to do work are doing good work, being accountable to the taxpayers.

As the Senator knows, while it may be hard to track some of this across the ocean, it will be easier when it is in the United States. I don't know if the Senator would have any suggestions. Are there other companies that can do some work along the lines of reconstruction other than this one company? Does the Senator know?

Mr. DORGAN. In response to the Senator from Louisiana, I understand in circumstances such as this, we will not go out and get bids and ask for 30 days. We want people in the field working quickly. But the fact is we have a lot of great companies out there in this country with a great ability to mobilize and move quickly. My only point is, I want the victims of this hurricane to receive help now, immediately. I want the American taxpayer to find that help was delivered effectively and efficiently. I don't want it running through people's hands into people's pockets where it shouldn't go.

Ms. LANDRIEU. I hope, Mr. President, as we lay out the rebuilding efforts for the Gulf Coast region and the aftermath of Hurricane Katrina, we can do better than what the Senator has spoken about.

On that subject, just for the record, I think maybe the Senator from Louisiana, Mr. VITTER, and I would like to submit for the RECORD a list of Louisiana-Mississippi-based contractors that can do great work in the rebuilding of the Gulf Coast region. We understand that Halliburton is a Texas company. We are happy for our Texas counterparts. As I said, many people in Louisiana work for Halliburton. I think we have several thousand people who do. But I want this Senate to know—Senators on both sides of the aisle—we have a lot of Louisiana and Mississippi contractors who can build houses, et cetera.

EXTENSION OF MORNING BUSINESS

The PRESIDING OFFICER. The time for morning business has expired as of 3 o'clock. The Senator from Louisiana would need to get unanimous consent if she wishes to speak in morning business.

Ms. LANDRIEU. Mr. President, I see the Senator from Mississippi is in the Chamber. I do not want to interrupt any scheduled business. I was scheduled to speak in morning business. I can take 5 minutes later, after the Senator from Mississippi is finished, if he would like to proceed. I do not mind waiting.

Mr. COCHRAN. Mr. President, if the Senator will yield.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, it is my understanding the Senate was to return to the consideration of H.R. 2862, the Commerce-Justice-Science appropriations bill at 3 o'clock.

The PRESIDING OFFICER. That is the previous order. It would require unanimous consent to allow morning business to continue beyond 3 o'clock.

Mr. COCHRAN. Mr. President, I do not want to object to the Senator proceeding to discuss whatever she wants to discuss. I am happy for her to take whatever time she needs to talk about this issue that is of great concern to me, as well as to her.

Ms. LANDRIEU. Mr. President, I thank the Senator from Mississippi. I ask unanimous consent for 5 minutes, and then we could proceed to the bill.

Mr. COCHRAN. Mr. President, I have no objection to the Senator having 5 minutes.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 5 minutes in morning business.

Ms. LANDRIEU. I thank the Presiding Officer.

HURRICANE KATRINA

Ms. LANDRIEU. Mr. President, today is day 15 of Hurricane Katrina, which has devastated the southeastern part of Louisiana and parts of Mississippi and some parts of Alabama and other States. I have come to the floor, just for a few minutes, to give a few brief remarks—some on a positive note as to some positive things that are taking place, and then some which are descriptive detail as Senators, both Republicans and Democrats, begin to build ideas for the rebuilding of this great region.

First, let me say how pleased I am that a group of Senators will be coming down to the region on Friday. Details of that trip will be announced, but Senators from Mississippi and Louisiana have suggested that some of our colleagues come down and see firsthand the devastation. Not wanting to use assets that were being required for search and rescue, now that phase is almost completed, and it is appropriate for Senators to come down. I understand Senator REID and Senator FRIST are organizing that trip with some of the Senators here. Senator VITTER and I and others look forward to getting them down on the ground to show them the breadth of the devastation.

One point on that: This is a picture of New Orleans that was done by the New York Times. I thought it was extremely helpful, and I would like to take a moment of my short time on the floor to show this picture in a larger view.

We understand the city of New Orleans has been particularly hard hit, not only by the hurricane but the subsequent breaches of the levees that put most of the city under 10 feet of water for 5 days, 6 days. Even going into actually today, the 15th day of this disaster, there is still water in the city, which is being pumped out now that the levees have been fixed. But the water is still not completely gone.

In addition, in the picture you can see Jefferson Parish. I am going to try to provide an update of that tomorrow. Over here is St. Bernard Parish. Again, I am going to try to provide an update. On this side of the lake is St. Tammany Parish, and I will try to get to that in another day or so.

But as Senators come down to view this whole region—not just New Orleans but an area of 90,000 square miles, the size of Great Britain, stretching from the Gulf Coast halfway through Louisiana—one thing to note about New Orleans that is still not quite understood is this river ridge was the high part of the original city. As you know, before we had concrete highways, the highways we built this Nation on were our rivers. So this city, being one of the oldest in the Nation, was built on this river.

Amazingly and thankfully, the areas close to the river are not underwater, which is this whole ridge. The French Quarter has stayed pretty much high and dry, even the Lower Garden District. Some of the poorer areas along Tchoupitoulas Street are, thank God, out of the water all along the river ridge. The west bank has been spared where we want to build our Federal city complex. We now know it is a good place because it is a highland area and a good place to build.

But this entire city—eastern New Orleans, which is a middle-income neighborhood of White and Black citizens, as well as some poor, very poor; and the Lower Ninth Ward—this is where the Lower Ninth Ward is—Gentilly, which is a middle-income neighborhood of Black and White citizens; the Bywater neighborhood; Mid-City; Lakeview, which is predominantly White but very integrated in some parts and very high income—is completely underwater. Then, of course, there is the midpart of the city, which is low.

So as our Senators come in, they will literally see what looks like Noah's Ark, looks like something of Biblical proportions. Maybe the water will have gone down by Friday. They are pumping it out quite fast. But just to get some sense, the entire city—poor areas and wealthy areas—is underwater, as well as the east bank of Jefferson. St. Bernard was still completely underwater the last time I flew over as well.

So our work is complicated by having banks and schools not functioning. Shown in this picture, in each one of these blocks—I know I only have 1 minute left—these are schools, these green dots. All of these schools have 10 feet of water in them, every single green dot, except for the ones along the ridge. These are our courts. Most of our courts are not able to function, city or Federal courts.

Our police stations are underwater, which is why some of our police were not able to function as well as they would under normal circumstances. But I am pleased to report, after hearing from Chief Compass today, not one commander of the New Orleans police force left his post, even though 80 percent of them have lost their homes. Some of them have lost their families. As the President said himself, first responders have been victims themselves.

So I thought I would present that today, to say thank you to the Senators for organizing the trip. I know the Finance Committee is going to announce in just a few minutes some tax relief opportunities that Senator GRASSLEY and Senator BAUCUS have worked out. I have worked with them. Senator VITTER and others have worked to put that together. We are very pleased more help is on the way.

Mr. President, I appreciate Senator COCHRAN giving me the opportunity to speak for a few minutes about those points. I will try to get to the floor sometime tomorrow for the same reason.

Thank you, Mr. President.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. THUNE). Morning business is closed.

MAKING APPROPRIATIONS FOR SCIENCE, THE DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, AND RELATED AGENCIES FOR FISCAL YEAR 2006

The PRESIDING OFFICER. Under the previous order, the hour of 3 p.m. having arrived, the Senate will resume consideration of H.R. 2862, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2862) making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

Pending:

Lincoln amendment No. 1652, to provide for temporary Medicaid disaster relief for survivors of Hurricane Katrina.

Dayton amendment No. 1654, to increase funding for Justice Assistance Grants.

Biden amendment No. 1661, to provide emergency funding for victims of Hurricane Katrina.

Sarbanes amendment No. 1662, to assist the victims of Hurricane Katrina with finding new housing.

Dorgan amendment No. 1665, to prohibit weakening any law that provides safeguards from unfair foreign trade practices.

Sununu amendment No. 1669, to increase funding for the State Criminal Alien Assistance Program, the Southwest Border Prosecutors Initiative, and transitional housing for women subjected to domestic violence.

Lieberman amendment No. 1678, to provide financial relief for individuals and entities affected by Hurricane Katrina.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I am pleased the Senate is now able to return to the consideration of H.R. 2862, the Commerce-Justice-Science appropriations bill.

This is the third day of consideration of this important bill. Subcommittee Chairman SHELBY and the distinguished Senator from Maryland, Ms. MIKULSKI, have made good progress in the handling of this bill. The bill reported by the committee will assure the funding of many programs and activities of the Federal Government that are under the jurisdiction of this subcommittee.

The allocation we made to this subcommittee enabled us to restore funding for State and local law enforcement grants, as well as have increased funding for programs of the National Oceanic and Atmospheric Administration. Because this bill is now at the upper limit of the subcommittee's allocation, any amendments adopted to the bill will require reductions below the level of funding in other programs.

Now is the time for Senators to come to the floor to discuss the bill or offer amendments. It is my understanding from the leader that any amendments requiring a rollcall vote will be voted on tomorrow. It is my hope we can complete action on this bill tomorrow. The end of the fiscal year is near. We have the responsibility to send this bill to conference as soon as we can.

To remind Senators of the importance of completing action on this bill, this committee is one of those committees that was newly created after the reorganization of the Appropriations Committee that was begun in the House of Representatives. We created this committee to manage the funding for the Departments of Commerce, Justice, the National Oceanic and Atmospheric Administration, the National Aeronautics and Space Administration, the National Science Foundation, and a number of independent agencies and commissions, including the Office of the U.S. Trade Representative, the Securities and Exchange Commission, the Small Business Administration, the Federal Trade Commission, and the Federal Communications Commission.

So all of the activities and programs and work of those agencies and departments are contained in this subcommittee's bill. It touches a wide range of interests and concerns, and it is very important for us to complete this bill as soon as we can so these agencies and departments can make their plans for activities that will be funded in this bill at the beginning of the next fiscal year. That next fiscal year starts October 1.

In September of every year, a lot of pressure is put on the appropriations process. In order for us to discharge our responsibility with the administration, sharing with the administration decisions about the emphasis that ought to be placed on programs and activities, we have an obligation to do our work and to do it in a timely fashion. That is why I come to the floor today with a sense of some urgency. I hope to communicate that to all of our colleagues in the Senate.

The House has completed action on most of its bills, and they are awaiting conference with the Senate to work out any differences or disagreements that we may have with the House on the appropriate levels of funding or the categories of interest in terms of their priorities over others in the Federal Government.

This is a day when any votes that are going to occur will occur late in the day. I understand we have a vote in the Senate at 6:30 this evening. So I hope Senators will undertake to come and present us with any suggestions they may have about changes in this bill or any disagreements in the policy reflected in the appropriations process in this bill so we can debate them and discuss them and make changes, if that is the will of the Senate, and then have an opportunity to negotiate those changes on behalf of the Senate with our colleagues from the other body.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEWINE. Mr. President, I ask unanimous consent that the pending amendment be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1671

Mr. DEWINE. Mr. President, I call up amendment No. 1671 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Ohio [Mr. DEWINE], for himself, Mr. VOINOVICH, Mr. ALLEN, Mr. WARNER, and Mrs. MURRAY proposes an amendment numbered 1671.

Mr. DEWINE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To make available, from amounts otherwise available for the National Aeronautics and Space Administration, $906,200,000 for aeronautics research and development programs of the National Aeronautics and Space Administration)

On page 170, between lines 9 and 10, insert the following:

SEC. 304. Of the amounts appropriated or otherwise made available by this title under the heading ''NATIONAL AERONAUTICS AND SPACE ADMINISTRATION'', $906,200,000 shall be available for aeronautics research and development programs of the National Aeronautics and Space Administration.

Mr. DEWINE. Mr. President, I rise today to join with Senators ALLEN, MURRAY, WARNER, and VOINOVICH in an effort to maintain our Nation's commitment to vital aeronautics research. We are offering this amendment to restore the aeronautics research & development program to last year's level of $906 million.

For decades, NASA has conducted a wide array of aeronautics research programs that have helped ensure our economic and military security and revolutionize the way we travel. NASA's work in aeronautics has captured the spirit of the Wright Brothers, spawning generation after generation of progress. The amendment before us will help make certain that progress continues in the coming fiscal year.

The impact of NASA's work is widespread. The U.S. aviation industry supports over 11 million jobs and contributes $1 trillion in economic activity. Our airlines carry 750 million passengers per year, with that number expected to grow to a billion within 15 years. We ship 52 percent of our exports by air, and in fact, the aviation industry contributes more to the U.S. balance of trade than any other domestic manufacturing industry.

Yet unfortunately, we are at grave risk of losing the staff, facilities, and expertise necessary to continue NASA's aeronautics programs. We are at risk of essentially allowing the first ''A'' in NASA—the one that stands for aeronautics—to die over the next several years. We are at risk and we better pay attention.

The bill we have before us now is a good bill, and I want to congratulate Chairman SHELBY and Ranking Member MIKULSKI on their hard work in meeting so many needs with a very tough and tight budget allocation. One thing the bill does not include, however, is a specific reference to aeronautics funding.

Nonetheless, we know of NASA's plans for aeronautics from its fiscal year 2006 budget request. We know that the agency intends to reduce overall aeronautics funding by $54 million from the previous year, a cut of over $200 million from 2004. In fact, the 2006 Budget shows aeronautics programs facing a nearly one-third cut in the next 5 years for aeronautics. That is simply not acceptable.

What will the practical consequences of these cuts be? The cuts mean that subsonic and hypersonic research will

be terminated. This is the research that focuses on designing stronger airframes and better engines, technologies that with just a little work can be taken from the lab and applied directly to aircraft, whether commercial or military. As a result, U.S. aerospace producers will lack access to solid precompetitive research, while competitors abroad benefit from well financed efforts, such as the European Union's ''Vision 2020'' program.

Second, many of the facilities necessary to design and test new aeronautics technologies will be closed as a result of budget shortfalls. Wind tunnels and propulsion test facilities are used by Government, academia, and industry—often on a pay-for-use basis—and require minimal funding to maintain.

A recent RAND National Defense Research Institute study determined that over 84 percent of these NASA facilities serve strategic national needs, and that the success of the U.S. aerospace industry relies on NASA's workforce and test facility infrastructure.

So, these proposed aeronautics cuts are a double threat to the U.S. aviation industry: On the one hand, they get NASA out of the business of key aeronautics research areas, and on the other, they will lead to the closure of the very facilities industry and academia would need to replace that research. The cuts undermine our national defense by decimating cross-cutting technologies used by the Department of Defense. The cuts will force massive layoffs among NASA's best and brightest engineers, and will also impact the scores of Americans working for private sector aerospace companies. These cuts are simply unacceptable.

We need to step back and re-evaluate where we are with aeronautics research, where we want to be in 5, 10, 15 years, and make a commitment to do what it takes to get us there. A National Institute of Aerospace, NIA, study commissioned by Congress and unveiled earlier this year shows a need for vastly increased investment within NASA aeronautics programs. Our amendment does not reach the levels recommended by the NIA report, but it does move us in the right direction, the same direction that the House of Representatives has taken in its version of this bill.

Our amendment follows directly from budget language adopted by the Senate this year calling for an adequate aeronautics investment. We do not cut space exploration programs to make this increase. This is a clean, deficit-neutral amendment that will help ensure our national competitiveness in civil and military aerospace, and it deserves the Senate's support.

I will be back on the floor later to talk more about this amendment, as my other colleagues will, but at this point I ask unanimous consent that the amendment be set aside.

The PRESIDING OFFICER (Mr. BURR). Without objection, it is so ordered.

Mr. DEWINE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. CLINTON. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. CLINTON. I ask unanimous consent the pending amendments be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1660

(Purpose: To establish a congressional commission to examine the Federal, State, and local response to the devastation wrought by Hurricane Katrina in the Gulf Region of the United States especially in the States of Louisiana, Mississippi, Alabama, and other areas impacted in the aftermath and make immediate corrective measures to improve such responses in the future)

Mrs. CLINTON. Mr. President, I call up Senate amendment No. 1660, an amendment establishing an independent Katrina commission.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from New York [Mrs. CLINTON], for herself, Ms. STABENOW, Mr. CORZINE, Mr. REED, Mr. SALAZAR, Mr. LAUTENBERG, Mr. JEFFORDS, Mr. SCHUMER, and Ms. MIKULSKI, proposes an amendment numbered 1660.

Mrs. CLINTON. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in the RECORD of Thursday, September 8, 2005 under ''Text of Amendments.'')

Mrs. CLINTON. Mr. President, I hope we will be able to address this important matter. I believe it is essential for the people who have been directly affected along the Gulf Coast, and really for all Americans, that we have an independent commission consisting of people who have no direct involvement in either the administration or congressional activities, similar to what we had with the 9/11 Commission that I believe discharged its responsibility to the American people with such a high degree of civic-mindedness and public citizenship.

When I was in Houston last Monday a week ago, I met with a number of the people who had been evacuated out of New Orleans and the surrounding parishes. They kept asking me questions I certainly could not answer: What happened to the buses that were supposed to pick them up and take them out? Why wasn't there adequate security at the Superdome or the convention center? How come helicopters were flying overhead and never coming to pick them up?

This morning I heard on the radio an interview with a gentleman who is the president of one of the parishes surrounding New Orleans. I believe his name is ''Junior'' Rodriguez. Mr. Rodriguez said he couldn't get any help at all. He kept trying to get help and he kept waiting for help and nothing happened.

This, as we know now, was a catastrophe of almost Biblical proportions for the people who suffered it: people who lost their homes; people who were driven from their homes; the people who, most tragically, lost loved ones. Many are still searching for members of their family whom they have not been able to find since they got on a bus or left a home and waded through water.

I hope we will address this. I believe it is a matter that needs to be taken out of politics as usual. I personally don't want members of the administration whose primary obligation is to the people who have been directly affected, who need to be directing and managing the relief efforts beginning the rebuilding process, being diverted from doing so. I respectfully suggest the President's idea of investigating himself is not an adequate recommendation.

Similarly, I do not believe Congress should be diverted. We have committees already established and their job is to assess and make recommendations with respect to all of the matters pertaining to homeland security, not only the potential of terrorist attacks but also natural disasters. Therefore, I do believe in an investigation modeled on the 9/11 Commission where the President—as in my legislation—appoints the Chair. He can appoint whomever he wishes. He certainly made an excellent choice when he appointed former Governor of New Jersey Tom Kean. Then the Democratic and Republican leaders appoint the other members, to have a 10-member Commission with the President and his party obviously having an advantage, as is appropriate under the circumstances, but appointing people for whom there is universal respect and people who can set aside everything, people who are willing to delve into this and ask the hard questions about what happened at all levels of government, so we can get answers.

I think the people who have been evacuated, the people who have lost loved ones, the people who suffered deserve answers. But it is not just an exercise in looking backward. I think it is essential that we look forward. What the 9/11 Commission did was help focus our attention on what we should be doing, how we should be proceeding to be ready, prepared in the face of the ongoing threats from the terrorists.

Today we heard about an al-Qaida operative—we think it is some disaffected American who has gone off and joined al-Qaida—who issued the threat that specifically named Los Angeles. We need to be sure we are totally prepared. We have learned some things, but you can't learn enough unless you are honest enough and out of denial in order to

conduct a thorough investigation and let the chips fall where they may. Let's find answers. I hope we will have an opportunity to vote on this amendment. I invite my friends and colleagues from the other side of the aisle to join with us to support this independent Katrina commission and to let us get about the business, on a very short timetable, of getting answers we can all then implement.

I marked the fourth commemoration of what happened to New York on 9/11. I spent yesterday, as I have in past years, with the victims, with the survivors, with family members, with members of the police and fire departments and emergency workers. I could not be more proud to represent such extraordinary, heroic people. But, in speaking especially to our first responder community, they were shaken by this. We needed Federal help. We did a heck of a job. We had the greatest police force and fire department—I would say in the world, with not just pride but with a factual basis. We did a great job, but we needed help and we got help. But now, 4 years later, we are wondering whether that help would be there if something were to happen to us. No city, no State should wonder that.

I think it is a boost of confidence for people to know we are moving as best we can to understand it, but we are unafraid to face whatever the facts might be. That is why we need an independent commission constituted as soon as possible, given the resources to do its work, and asked to report in as short a timeframe as possible.

I appreciate the opportunity to call up this amendment and I hope there will be an opportunity to address it and that we will have a strong vote on both sides of the aisle to proceed with this independent commission as soon as possible.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, the pending business is the Commerce, Justice, Science appropriations. As the Presiding Officer knows, I am the ranking member. So our colleagues know, there are about 20 outstanding amendments. We are busy clearing those—Senator SHELBY is on his way to the Senate—that Senator SHELBY and I could agree to, so when we do rollcall votes, we hope to have those reduced to a minimum, or at least a reasonable number. We will also be awaiting direction from the leadership, Senator FRIST and Senator REID, as to how we will proceed tomorrow on rollcall votes. We believe we have some that will be ready tomorrow to move this very important bill expeditiously.

For those who might not know, this new subcommittee handles all the Commerce funding, it handles the funding for agencies such as NOAA, which was so great in telling Americans about the hurricane. It also has a variety of provisions that would be very helpful to Katrina victims, including small business disaster loans that are available not only to business but particularly small business, as well as residential homeowners, up to $200,000, EDA money, to help local communities rebuild, particularly infrastructure.

While we are mesmerized by the tragedy in New Orleans, we cannot forget Mississippi and Alabama and their needs for roads and other infrastructure projects, including water supply.

The chairman of the subcommittee, Senator SHELBY, of course, of Alabama, and I want to move the bill. We understand our leadership, Senator FRIST, is not going to have rollcall votes during the important Roberts hearings, so we will work with him to see how to do it. One of the ways we will work with him is in how to reduce the number of amendments. We are now waiting for our distinguished Senator from Oklahoma, Senator COBURN, to join us. We know he has something to say on the bill.

This is a new subcommittee that has been constituted. I used to be the ranking member of a subcommittee that has been dissolved, VA/HUD and Independent Agencies. Under the ''independent agencies,'' was the important agency of FEMA. Now I understand the leadership of FEMA, Mr. Brown, has resigned. We look to the President to give us a topnotch person. We know the vice admiral of the Coast Guard is now in the Gulf. We look at leadership, such as the wonderful person running Red Cross, RADM Marty Evans, whom I knew when she was at the Naval Academy, one of the first women in this country to make admiral rank. Then she went on to a distinguished career running nonprofits and is now with the Red Cross, very much in the spirit and competency of our colleague from North Carolina, Senator ELIZABETH DOLE. We look forward to that leadership.

We need to focus now on two things: Recovery and reform. In moving our bill, we want to work on a bipartisan basis on recovery. There are three Rs to emergency management: Readiness and preparedness; and then response, which needs to be swift and effective; third is recovery.

Recovery is tough. In my home State of Maryland, we have had tornadoes, we have been hit by Hurricane Isabel, when it looked like Baghdad on the Chesapeake Bay. In no way is this akin to what has happened to our friends in the Gulf. But, still, when it is your house and your neighborhood, whether it is 3 blocks or 3,000 acres, we want to work with recovery and do it on a bipartisan basis.

It will take a lot, No. 1, of rebuilding infrastructure so business and people can come back. Things such as water supplies have been damaged or contaminated. Roads and bridges need repair in order for commerce to pass through.

What comes back? Business, such as the supermarket, or do they wait for the people to come back? We have to be able to help rebuild those communities. We cannot do it without the help of the private sector.

I hope those running Homeland Security, as well as the President's good office, would bring to bear the best of what we know from our home building and construction agency on what we can do to marshal the forces for rebuilding homes and those neighborhoods, particularly the small business—everyone knows what I am talking about, the dry cleaner, the pharmacist, as well as the supermarkets, et cetera, that are lifeblood. We also will have to rebuild schools for our children, as well as coming back with their mom and dad into the safety of a new home.

We also worry that while we are rebuilding the Gulf, and rebuild the Gulf we must, we do not want to create shortages in other parts of other country. Lumber is already in short supply, along with other building materials, even the talent, the electricians, plumbers, contractors. That is why we need a national effort.

We hope those who are leading Homeland Security will now look at the recovery phase while we go through the grim task of recovering bodies. We have to recover ourselves. What we do not need to recover, though, because we have never lost it, is the spirit of working together and the spirit that we will be able to do this.

It is September 12. I remember where we were 4 years ago on September 11. Yesterday morning, when I got up to go to church, I had this eerie feeling that the weather was exactly the way it was on September 11. When I went to church, I wore the jacket that I had on that day. I saved that jacket so I would never ever forget what I wore and what I experienced that day.

For all of the fear and all of the grief, I remember on the Capitol steps we sang ''God Bless America.'' I stood shoulder to shoulder with Senator LOTT that day, then as the Republican leader, and stand with him today in terms of recovery of his own community. We have to get back to that spirit where we thought we could work together in this institution, in the House, and with the people.

On September 12, we want to honor, again, pay our respects to those who were killed on September 11, to our wonderful first responders who risked life and limb to save people. Now we are at it once again. For our first responders and our responders in the Gulf now, going through that mercury-contaminated water, they each have their own risk.

They are counting on us to be able to work together, bring in the national

resources and marshal the private sector resources, as well as the nonprofit resources, so that by the time we get to Thanksgiving we will have been well on our way. So we look to be able to do that. We in Commerce, Justice, and Science look forward to doing our part, carrying our heavy lifting. There is no lifting too heavy to help people in our own country that have been so devastated.

For everyone working on this out there in the field, the tremendous number of volunteers, the generosity of spirit of the people and, I might add, the private sector that is marshaling, we say thank you. We have a big job to do. One of the big jobs we have to do is here, working on a bipartisan basis, to be collegial, to be civil, and to get the job done.

Let's ask of ourselves exactly what we ask the people working down in the Gulf. Let's not have a slow, sluggish response from the Congress. Let's be effective in targeting our resources.

I have a long-range idea I would like to share on the idea of reform. When I was the chairman of VA/HUD, before the 1994 Republican Gingrich revolution, I found that FEMA was a dated agency. It was focused on the Cold War. It was worrying about where to send the Coast Guard if we had a nuclear attack. It was riddled with staff at Federal and State levels, with cronies and hacks and people with no experience in emergency management.

When Hurricane Andrew hit Florida with such enormous devastation, we found Andrew people were doubly victimized. They were victimized by the hurricane, and then they were victimized by the inept approach of FEMA.

I went to work on reform. I worked with President Bush's dad—I call him President Bush 1—and Andy Card, who is now the President's Chief of Staff, to reform FEMA. We did. Let me tell you we totally reformed FEMA. When President Clinton came in, he took that early work that we had begun with President Bush 1.

What did we do? First, we said goodbye to the Cold War. The Cold War was over, except for the Federal bureaucracy. We said goodbye to the Cold War. We said that FEMA now had to be a professional agency; that it needed to be headed by someone who had either emergency management experience, and actually responded to emergencies, or comparable experience in the military or in private sector with crisis management. President Clinton gave us James Lee Witt.

Second, we encouraged Governors to do the same thing at the State level. The more they did, the more we could help.

Third, we said that FEMA had to become an all-hazards agency, it had to be ready for a hurricane or tornado. But in becoming ''all hazards,'' it had to go to the risk-based strategy. We analyzed what Americans were most likely to have, particularly in terms of natural disasters. It was tornadoes and hurricanes, followed of course by earthquakes, though less frequent, severe, and devastating. We then encouraged the States to have real plans for evacuation; that they had to be ready, they had to have things pre-positioned where things were most likely to happen. If you were worried about hurricanes and ''northeasters,'' you did not pre-position in Maryland from Allegany County, where we are subjected more to floods.

So, readiness and then recovery. Readiness, response, and recovery. It worked very well.

After September 11, and our desire to be effective and supportive in fighting the global war against terrorism, FEMA was moved to Homeland Security. I supported that. I felt again that was the home of the first responders. That was the home where the local fire departments could apply for protective gear that firefighters needed.

I now have second thoughts because when FEMA moved to Homeland Security, it lost its focus, it lost its way, and it definitely lost its leadership. I believe the President will focus now on giving us the right leadership.

We have to get a new focus, and this is why I would like to see the Federal Emergency Management Agency again become an independent agency that is an all-hazards agency, goes to the risks facing the American people. There are natural disasters and there are terrorists. We cannot forget there are those who have a predatory intent against the United States of America and its communities. So we have to be ready to respond if they get through the fabulous intelligence network that we have to protect us. We want to be ready for that.

Quite frankly, there are those who say: Well, Senator MIKULSKI, are you saying we are going to worry more about tornadoes than terrorists? Absolutely not. We have to be ready. But if you look at our cities and our larger communities, which are often the greatest targets of these international predators, these international thugs, these international terrorists, we have to be ready.

Just think, New Orleans could have been hit by a dirty bomb. New Orleans could have been hit by a chemical or biological attack. New Orleans could have been hit by bin Laden or Zarqawi or whomever, by blowing up the levees. So the consequences to the city—whether it is New Orleans or Baltimore or a city in California or any city—would be the same. We would have to be ready to respond, and to respond swiftly. Then, of course, we would have the recovery.

So if we have to evacuate the Capital region, it is the same whether we are hit by some natural disaster or predatory attack. If we have to evacuate San Francisco or LA in California, it is the same. So the reform comes after the recovery. Right now, we have to be swift and sure in responding to the people who need us the most.

Mr. President, I note the Senator from Oklahoma has come to the floor. I ask the Senator if he is prepared to speak?

Mr. President, I will yield the floor. Again, I reiterate my pledge for bipartisan support on our recovery efforts. And I look forward to working on a reform package with equal bipartisan support.

I yield the floor.

MAKING APPROPRIATIONS FOR SCIENCE, THE DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, AND RELATED AGENCIES FOR FISCAL YEAR 2006—Continued

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 1648

Mr. COBURN. Mr. President, I call up amendment No. 1648 on the CJS appropriations bill.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment No. 1648.

Mr. COBURN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To eliminate the funding for the Advanced Technology Program and increase the funding available for the National Oceanic and Atmospheric Administration, community oriented policing service, and State and local law enforcement assistance)

On page 170, between lines 9 and 10, insert the following:

SEC. 304.(a) Notwithstanding the provisions in title III under the heading ''NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY'' and under the subheading ''INDUSTRIAL TECHNOLOGY SERVICES'', none of the funds appropriated in this Act may be made available for the Advanced Technology Program of the National Institute of Standards and Technology.

(b) Notwithstanding any other provision of this Act, the amount made available in title III under the heading ''NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION'' and under the subheading ''OPERATIONS, RESEARCH, AND FACILITIES'' for the National Weather Service is increased by $4,900,000 and, of the total amount made available for such purpose under such subheading, $3,950,000 shall be made available for the Coastal and Inland Hurricane Monitoring and Prediction Program and $3,950,000 shall be made available for the Hurricane and Tornado Broadcast Campaign.

(c) Notwithstanding any other provision of this Act, the amount made appropriated in title I under the heading ''OFFICE OF JUSTICE PROGRAMS'' and under the subheading ''COMMUNITY ORIENTED POLICING SERVICES'' is increased by $72,000,000 and, of the total amount made available under such subheading, not less than $132,100,000 shall be made available for the Methamphetamine Hot Spots program.

(d) Notwithstanding any other provisions of this Act, the amount made appropriated

in title I under the heading ''OFFICE OF JUSTICE PROGRAMS'' and under the subheading ''STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE'' is increased by $48,000,000 and, of the total amount made available under such subheading, not less than $578,000,000 shall be made available for the Justice Assistance Grants program.

Mr. COBURN. Mr. President, this is an amendment to start us down the way of reprioritizing our spending in this country.

With the events of the last 2 weeks, the tremendous deficit we face already, and the significant problems we face in this country, especially in terms of methamphetamine, the Weather Service, and the Byrne Justice Assistance Grants, this is an amendment that will eliminate the Advanced Technology Program.

There is no question that the ATP has done some good in its history. It has $140 million in budget authority and has, this year, $22.4 million in outlays. But there has come a time when we need to make decisions. One of the things I have been consistent on in terms of my time in the Senate is insisting that we start reprioritizing the things that work and the things that do not work.

The Advanced Technology Program was scrutinized at a hearing of the Federal Financial Management Subcommittee of the Homeland Security and Governmental Affairs Committee this year and had good testimony. I will not demean some of the positive things that have come from this program. There is no question certain positive things have come from it.

However, GAO and the Comptroller General noted that 63 percent of the requests for grants through ATP never sought funds anywhere else. ATP is supposed to be the source of last resort on technology.

I have put up a chart to show the American people who has actually been getting the funding. It has not been small businessmen. It has not been new ideas, innovation coming from small entrepreneurs. What it has been for is the major corporations in this country that have billions and billions and billions of dollars worth of sales every year, and billions in profits. Yet we are now asking the American taxpayer to take 30 to 40 percent of this ATP money and fund the likes of General Electric, IBM, Motorola, and 3M, just to name four.

The fact is, good ideas will usually get funded. There is venture capital all across this country looking for good ideas, private capital that will fund great ideas. In this time of fiscal constraint, it is time we reprioritize what we do with this money.

This amendment is intended to take the savings from ATP and put it in three different programs. One of the programs is the Byrne Justice Assistance Grants Program, which is markedly needed today in terms of drug courts, in terms of drug busts, in terms of helping the district attorneys and State attorneys general accomplish the very laws we put on the books in front of them.

It transfers funding to the COPS Methamphetamine Hot Spots Program. There has never been a more devastating drug to our society than methamphetamine. It is growing like wildfire. As a matter of fact, attached to this bill is a methamphetamine bill that limits and restricts the sale of pseudoephedrine throughout this country. It is a compromise worked out by many of us on the Judiciary Committee, along with Senator TALENT and Senator FEINSTEIN, to put the brakes on the accessibility of pseudoephedrine in the manufacturing of methamphetamine.

It also helps fund the National Weather Service for two hurricane and tornado monitoring and broadcast programs. Goodness knows, we need that. Different outlay rates for the different programs result in only $124.9 million of the original $140 million being transferred.

In March, during debate over the budget resolution, Senator LEVIN offered an amendment supporting ATP. One of the reasons for that is last year Michigan got $31 million out of the $140 million. I can understand his desire to support that. But I would also note that methamphetamine is a growing epidemic in Michigan. Law enforcement and the Hot Spots Program to fund the breaking down, the taking of children out of areas that have been exposed to this tremendously derelict drug that is infecting and ruining the lives of hundreds of thousands of Americans is important.

It is interesting to note that for every State in the United States, the average funding from ATP has been less than funding for the Byrne JAG Program. The results of this will place $48 million additional into the Byrne Justice Assistance Grants Program, $72 million into the COPS Methamphetamine Hot Spots Program, and $4.9 million into the National Weather Service.

It is interesting to note, also, that many of those who oppose this bill are the ones who seek and have received the most in terms of the grants from the ATP program. If you look at California, where Senator FEINSTEIN will be supporting this CJS bill, California actually received $31 million as an average from 1990 to 2004. However, with the Byrne JAG Program being reduced, their average of $58 million for that program will be reduced.

ATP was created by Congress in 1988 to improve the global competitive position of high-tech industries in the United States. Very few of the things that came out of that ATP program accounted for the tremendous resurgence in the economic activities of the 1990s. Very few of the things have come out of the ATP program, although there have been some. One in Oklahoma in particular, Pure Protein, a company in my home State, had an ATP program. But they also have venture capital funding that would have funded that research anyway.

Many of the program's most vocal supporters believe without Federal funding provided by ATP, countless research projects would receive no money at all, and that ATP exists to remedy the failure of the market to fund research and development. There is no evidence, however, that would support those claims.

Time after time, ATP has been shown to fund initiatives that have already been undertaken by the private sector. Year after year, multibillion-dollar corporations, as noted here, receive millions of dollars from ATP.

Regarding the claim that ATP primarily funds research that does not already exist in the private sector, the U.S. Government Accountability Office found in a 2000 report ATP-funded research on handwriting recognition that began in the private sector in 1950. GAO found that inherent factors within ATP made it unlikely that ATP—and this is a quote—''can avoid funding research already being pursued by the private sector in the same time period.''

A 2002 report from the Federal Reserve Bank of Atlanta found that ATP launched major efforts to fund Internet tools companies during periods when venture funding was markedly increasing its flow to these sectors. Furthermore, according to a program assessment and rating tool used by the Office of Management and Budget, ATP does not address a specific need and is not designed to make a unique contribution.

The Byrne Justice Assistance Grants, through the Edward Byrne Memorial Justice Assistance Grants, the Bureau of Justice Assistance provides leadership and guidance on crime control and violence prevention and works in partnership with State and local governments to make communities safe and improve the criminal justice system. The JAG Program was created in 2004 through the merger of two Federal grant programs, the Edward Byrne Memorial Drug Control and System Improvement Grant Program and the Local Law Enforcement Block Grant Program. The JAG Program allows States and local governments to support a broad range of activities to prevent and control crime and to improve the criminal justice system.

The program focuses specifically on six separate purpose areas: law enforcement programs; prosecution and court programs; prevention and educational programs; correction and community correction programs; drug treatment programs; planning, evaluation, and technology improvement.

I want to tell you, as a physician, incarceration does not solve drug addiction. It makes it worse. Drug treatment programs solve drug addictions. If we are going to cut the money going to drug treatment programs, we are making a vital mistake, a mistake we will pay additional dollars for in the years to come.

The procedure for allocating JAG funds is a formula based on population and crime statistics in combination with the minimum allocation to ensure that each State and territory receives an appropriate share.

Traditionally, under the Byrne formula and LLEBG Program, funds were distributed 60–40 between State and local recipients. This distribution continues under the JAG Program.

The community-oriented policing services' Methamphetamine Hot Spots Program address a broad array of law enforcement initiatives pertaining to the investigation of methamphetamine trafficking in heavily affected areas of the country. This is the largest growing area of drug abuse in our country. It has a tremendous impact not only on the drug user but on their families because of the danger associated with it. We have seen a marked increase of infants who are delivered whose mothers are addicted to methamphetamine with tremendous negative consequences.

Earlier this year, 53 State attorneys general, including American Samoa and North Mariana Islands and District of Columbia, signed a letter to congressional leadership asking us not to reduce the funding for the Byrne Jag and COPS Program. The letter asked Congress to restore the reductions in these law enforcement programs to a level that allows the States to build on the results of the past, law enforcement partnerships represented by the Byrne JAG and COPS Programs. I will not go into the National Weather Service.

Mr. President, I ask unanimous consent to have printed in the RECORD a fact sheet on Ohio, an article by the Cleveland Plain Dealer on the meth epidemic striking Ohio, a fact sheet on Virginia, and a fact sheet on Minnesota.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OHIO FACT SHEET—COBURN AMENDMENT #1648 TO H.R. 2862

This amendment eliminates funding for the Advanced Technology Program (ATP) and shifts the funding to three separate programs: Byrne Justice Assistance Grants (JAG), Community Oriented Policing Services (COPS), and the National Weather Service (NWS).

Specifically, funding for ATP is reduced by $140 million, funding for JAG is increased by $48 million, funding for COPS/Methamphetamine Hot Spots is increased by $72 million, and funding for NWS is increased by $4.9 million.

Since 1990, ATP has funneled more than $700 million to Fortune 500 companies that do not require government assistance. For example, GE (revenues of $152 billion in 2004) has received $91 million from ATP, IBM (revenues of $96 billion in 2004) has received $126 million from ATP, and Motorola (revenues of $31 billion in 2004) has received $44 million from ATP since 1990.

Since 1990, Ohio has received an average of $6.1 million from ATP each year. In fiscal year 2005, Ohio received $15.5 million from Byrne JAG funding alone.

Even though ATP was created to fund research that cannot attract private financing, a Government Accountability Office study found that 63 percent of ATP grant recipients never even sought private financing. Quite simply, ATP funnels taxpayer money to billion dollar corporations that do not need government subsidies for research and development.

The National Association of Attorneys General, National District Attorneys Association, National Narcotics Officers Association Coalition, and National Sheriffs Association have all expressed support for the Coburn amendment.

Earlier this year, Jim Pero, the Attorney General of Ohio, co-signed a letter to Congressional leadership stating that funding cuts for law enforcement grants ''will devastate state law enforcement efforts—especially drug enforcement—if they are not restored.'' In the absence of this amendment, Byrne JAG funding will be cut by $6.5 million relative to 2005 levels.

An August 2005 news article in The Plain Dealer, a newspaper in Cleveland, states, ''A scourge on the West Coast for nearly two decades, methamphetamine has established a destructive toehold in Ohio, infecting rural outposts, big cities and middle-class suburbs and consuming thousands of lives.''

A July 2005 survey of law enforcement agencies conducted by the National Association of Counties found that ''Meth is the leading drug-related local law enforcement problem in the country.''

According to the same survey, 70 percent of responding officials stated that other crimes, including robberies and burglaries, had increased because of methamphetamine use.

The Methamphetamine Hot Spots program, part of COPS, addresses a broad array of law enforcement initiatives pertaining to the investigation of methamphetamine use and trafficking, trains law enforcement officials, collects intelligence, and works to discover, interdict, and dismantle clandestine drug laboratories. This amendment would ensure that this program receives the funding it needs to tackle the serious problems associated with methamphetamine use and distribution.

This amendment also increases funding for the National Weather Service, and directs the additional funding towards the Inland and Coastal Hurricane Monitoring and Prediction program and the Hurricane and Tornado Broadcast Campaign.

[From the Plain Dealer, Aug. 7, 2005.]

METH EPIDEMIC STRIKES OHIO

(By Mark Gillispie)

A scourge on the West Coast for nearly two decades, methamphetamine has established a destructive toehold in Ohio, infecting rural outposts, big cities and middle-class suburbs and consuming thousands of lives.

Like moonshine, but far more addictive, methamphetamine is a home-cooked concoction that can be brewed in kitchens, hotel rooms, back yards and trunks of cars.

And its destructive surge eastward—reinvigorated by Mexican drug cartels—has been driven largely by waves of hometown cooks, who pass the finished drug and their favorite recipes to family, friends and customers. In Summit County, a now-entrenched culture of meth-cooking has been traced to one woman—Debra Oviatt—who has spent the last eight years in prison but is still known today as Akron's ''Mother of Meth.''

''There's no doubt in my mind that Debbie got the whole thing started,'' said Larry Limbert, a retired narcotics detective with the Summit County Sheriff's Office.

Summit County has since become Ohio's meth capital. Narcotics officers dismantled 104 labs there last year—far more than in any other county—and are on pace to exceed that total this year. Common wisdom in law enforcement holds that for every one lab busted, 10 remain undiscovered.

Nationally, the number of labs and other meth sites found last year topped 17,000, according to federal statistics, up from just 327 a decade ago.

As authorities in dozens of states try to shut down local cooks, evidence is mounting that ''ice,'' a more potent form of meth, is being shipped in from Mexico and California to fill entrenched demand. In Summit County, meanwhile, officials say the Department of Children Services has removed dozens of children from homes where parents cooked and used meth in recent years. One-third of juveniles enrolled in a Summit County drug-court program reported having tried the drug, also commonly known as ''crank,'' ''crystal,'' ''speed'' and ''tweek.''

The number of methamphetamine users who sought help at Oriana House, a drug-treatment organization in Summit County, jumped from 30 in 2001 to 386 last year.

''There's definitely something going on out there,'' said Oriana executive vice president Bernie Rochford.

Police and narcotics agents in Lake County have found 15 labs since September but only a handful before then. Portage County has dismantled at least five labs since April.

Police in Ashtabula County have been finding nearly one lab a week. The Children's Services agency there has had to close an adolescent group home and shift resources to pay for the care of children removed from parents who cook and abuse meth.

Methamphetamine use also is rising in Cleveland and its suburbs, where the drug had been confined mostly to gay bars, bath houses and strip clubs, says Lt. Michael Jackson of the Cuyahoga County Sheriffs Office. Experts predict the problem will get worse before it gets better.

''You've heard about crack, you've heard about heroin,'' said Akron police Lt. Mike Caprez. ''I've seen all those things take their course, and this has them both beat.'' Like crack in some ways, meth is more dangerous.

Like crack in some ways, meth is more dangerous.

Comparing meth to crack cocaine is apt on a number of levels.

Both are stimulants. Both are highly addictive.

While methamphetamine can be snorted, injected or eaten, more than half of those who sought treatment for meth addiction in 2003 said they smoked the drug—which is how crack is ingested.

Smoking meth produces the same strong, instantaneous ''rush'' that crack smokers achieve.

Methamphetamine floods the pleasure centers of the brain with large amounts of the neurotransmitter dopamine. It also affects other body chemicals that govern sleep, thirst, hunger and sex drive, making a person feel energetic, wakeful and hypersexual.

But meth remains in the body 10 times longer than crack, which can make meth cheaper to use. And while crack is obviously dangerous, methamphetamine causes even more physical harm.

A strong neurotoxin, methamphetamine damages the brain and other vital organs in a way that crack does not. And recovery, while possible, can be more difficult and take longer.

It can take several years of abstinence before meth addicts' body chemistry straightens out and they can feel ''normal'' again. Early studies show some of the brain damage is reversible.

The drug also rots teeth, a condition known as ''meth mouth.'' Users develop ugly sores caused by incessant picking and scratching at phantom ''crank bugs'' they feel under their skin.

And when the dopamine ''buzz'' wears off, meth users are left wide awake for hours on end feeling angry and depressed.

The quick fix is more meth, which can trigger a vicious cycle of addiction. Hardcore meth users, known as ''tweekers,'' sometimes go days, even weeks, without sleep.

That's when they become especially dangerous to themselves and others. Meth-driven psychosis—chiefly paranoia and hallucinations—combined with severe sleep deprivation can result in bizarre and violent behavior. James Trimble's attorney has claimed in court filings that his client was in the throes of methinduced psychosis when he killed three people in Portage County's Brimfield Township in January.

Because it is cheaper to use than crack, and because some start using it for reasons other than getting high, meth has also had a broader appeal among potential abusers.

Women, who abuse meth at about the same rate as men, often report that they began using the drug to lose weight.

Blue-collar and construction workers use methamphetamine for an energy boost to get them through long days of hard labor.

An epidemiologist recently reported that in North Carolina, hunters and fishermen are using meth to stay awake.

Gay men everywhere use meth for its ability to enhance sex. Stepped-up meth use is being blamed for dramatic recent increases in infection rates for HIV and other sexually transmitted diseases.

''There isn't a specific demographic that I associate with meth,'' said Dr. Alex Stalcup, a drug treatment specialist in San Francisco. ''It's essentially a universal drug.'' Three abusers: three different stories.

Three abusers: Three different stories.

Margaret, 27, of Summit County, felt self-conscious about her weight after giving birth to her second child. Her boyfriend coaxed her into trying meth two years ago as she did the laundry at their apartment in Mogadore.

''I remember I felt like my eyeballs were going to come out of my head, it burned so bad,'' Margaret said. ''But then, I had all of this energy. So much energy I didn't know what to do.''

She said she stayed up for five days straight, calling off work, scouring and scrubbing virtually every inch of her apartment.

''I loved to clean when I was on it,'' she said.

She did indeed lose weight. But then she lost her job, and, because of bad luck, a vengeful boyfriend and the bag of meth police found in her purse, she lost custody of her two children, too.

Margaret is now in a community-based corrections facility in Akron working to put her life back together.

''I can't believe I let this happen to me,'' she said.

Chad, a 20-year-old recovering addict, said he became instantly addicted to meth after someone gave him a few lines to snort at the Streetsboro manufacturing plant where he worked. He said many of his coworkers used meth to endure the grind of 12-hour days on the factory floor.

''That was my excuse, to get through the shift,'' Chad said.

Max, 34, of Cleveland, said he and numerous gay men he had sex with in West Side bath houses would use meth. Most preferred not to use condoms, he said, and few asked him about his HIV status. He is positive.

Max said he has been drug-free since April, when he and other members of a group calling itself the ''Gay Mafia'' were arrested in a sweeping methamphetamine bust. Federal authorities say the group sold meth brought here from Phoenix.

''Had I not gotten busted, I would still be doing it,'' Max acknowledged. ''I don't think there's anything wrong with it.''

While crack use increased rapidly, peaked in the late 1980s and then fell off as people became wary of its effects, meth use has been rising steadily.

From 1993 to 2003, the number of people seeking treatment for meth addiction jumped five-fold.

Also in 2003, 14 states reported that more people entered treatment for methamphetamine than for cocaine and heroin combined. A survey that year estimated that more than 600,000 people recently used meth, about the same number as used crack. But experts now believe that meth use has exceeded crack.

Unlike crack, methamphetamine—often referred to as ''poor man's cocaine''—has swept through rural communities across the country, including in southern Ohio.

But it has long been popular in big cities as well, especially out west, where places like San Diego, Phoenix and Portland, Ore., report high rates of meth addiction.

Police in Los Angeles say meth has become that city's No. 1 drug.

And police in other western states say methamphetamine is not only their top drug concern, it's their top crime problem as well.

Walt Myers, the recently retired police chief in Salem, Ore., said meth use drives at least 85 percent of the crime in that city. Police in Tucson, Ariz., attribute dramatic recent jumps in thefts and burglaries to a worsening methamphetamine problem.

And identity theft is emerging in many communities as a crime of choice among meth addicts.

Bob Brown of the Colorado Bureau of Criminal Investigation said his agency has investigated numerous rings of meth users producing high-quality counterfeit checks and identification cards.

''They don't sleep and they're high,'' Brown said of the meth-driven counterfeiters. ''They're staying up late at night when the rest of us are sleeping, and they're cranking this stuff out.''

Nearly 60 percent of county sheriffs said in a recent national survey that the meth epidemic is their worst drug problem—three times the number mentioning cocaine.

''It's not like the crack epidemic,'' said Richard Rawson, a drug treatment expert at UCLA. ''It's not a flare-up and flame-out. It's a gradual infestation and it stays there. That's not a very positive perspective on the future.''

The making of Summit's Mother of Meth'.

The infestation in Akron can be traced to when Debra Oviatt returned to Ohio a second time from California, bringing along her favorite recipe for home-cooked meth.

Oviatt, 52, grew up in Wadsworth but moved as a young adult to California, where she was arrested numerous times for auto theft and was sentenced twice to prison.

She returned to Ohio after being paroled in 1986 and apparently brought a meth habit with her.

Postal inspectors arrested her in 1991 after a package containing methamphetamine was mailed from California to her brother-in-law's home in Richfield. Oviatt received six months in state prison.

She fled to California three years later when one of her customers was arrested after a 3-ounce package of meth was sent to his home.

When she came back to the Akron area in 1996, Oviatt brought with her a deadly legacy: the ability to make her own meth and a willingness to pass on the recipe.

Methamphetamine is manufactured using a witch's brew of solvents and chemicals to change the molecular structure of pseudoephedrine, the active ingredient in popular over-the-counter cold remedies such as Sudafed and Actifed.

Meth labs are typically lowtech affairs. The tools of the trade—glass jars, plastic soda bottles, coffee filters and aquarium hoses—can fit inside a typical suitcase. The flammable and combustible nature of the ingredients makes the process potentially dangerous, but not difficult to learn.

''There's definitely a science in making it, but it's not rocket science,'' said Michael Fox, a drug counselor with the Community Health Center of Akron. ''With a little bit of training, anybody can make it.''

Meth cooks typically attract a small coterie of friends and addicts who gather ingredients, such as cold pills, in exchange for a share of the finished product.

When those friends and addicts learn the recipe themselves, they often form their own co-operatives, which leads to more cooking, more drugs and more addiction.

That's essentially what happened with Oviatt, authorities say. And the result was a dramatic increase in meth abuse in southern Summit County.

How many people she eventually taught to make the drug is in dispute.

Although she declined twice to be interviewed, Oviatt claimed in a letter to have taught only two. Police think it's many more.

Among her students, they say, was Oviatt's son, Christopher Shrake, who is serving a second prison sentence for meth manufacturing.

Legendary cook undaunted by charges.

It was Shrake's carelessness that led to the discovery of Summit County's first known methamphetamine lab nearly 10 years ago.

About 7:30 a.m. on May 5, 1996, the Green Fire Department got a call about a fire at a home on East Turkeyfoot Road. Shrake apparently started the fire while mishandling some of the ingredients.

The home sustained extensive damage. Firefighters' initial suspicions were confirmed when members of a Summit County drug unit arrived and revealed that they had been investigating reports of a meth lab in the home.

A Summit County grand jury indicted Oviatt and Shrake. But that didn't slow Oviatt down.

Police say that after a friend made and sold enough meth to post her bail, Oviatt set up a shifting string of labs in people's homes and in hotels along Interstate 77.

Detectives said Oviatt sometimes enlisted the help of her 6-year-old daughter to scrape methamphetamine residue from filters, telling her it was bird seed.

Oviatt initially was selective about whom she taught, sometimes sharing only a portion of the recipe in exchange for cash or meth-making ingredients, a former student said. That changed when it was clear she was headed to prison.

''Debbie wanted to teach anybody and everybody so this town would be flooded and nobody would make any money,'' the student said.

Before she could settle the charges from the Green incident, Oviatt was arrested in August 1996 at a hotel in Wadsworth.

Police, who had been called because of a fight between Shrake and his girlfriend, found methlab components in Oviatt's room.

Oviatt agreed to a plea deal on charges from both arrests. But before sentencing, she fled in February 1997 with the 6-year-old and a pregnant 16-year-old daughter.

Detectives spent five months chasing her around Ohio, West Virginia and Pennsylvania.

''She bounced from apartment house to apartment house, hotel to hotel,'' said Limbert, the retired detective. ''They would

make enough dope in those places that they would be OK.''

Oviatt's meth-cooking career ended on June 22, 1997. That's when her younger daughter called 9–1–1 from a hotel in Springfield Township and asked to speak with Limbert and Detective Bruce Berlin. Oviatt, who had left the hotel, was arrested later that evening.

She pleaded guilty to various charges, including racketeering and kidnapping, and received a 2-year sentence.

Police believe that by the time she went to prison, dozens of others had learned how to make methamphetamine, either directly from Oviatt or from one of her students.

South Akron is hotbed for meth

Oviatt and her proteges helped make mostly white, blue-collar Akron neighborhoods like Kenmore and Firestone Park—along with nearby Barberton and Springfield Township—the epicenter of meth making in Summit County.

It's in that general area that most of Summit County's meth labs have been found, including a would-be meth school operated by Brian Matheny, who police believe learned and improved on Oviatt's recipe.

A nurse by training, Matheny set up a lab in the basement of his Kenmore home, selling meth to support a substantial heroin habit.

Using a camera he had received for Christmas, he made an instructional video on meth manufacturing.

Police found the tape during a search of the basement in September 1997.

It shows Matheny coughing and exhaling hydrochloric gas, which is used in one step of the cooking process.

Penny Bishop, 43, got hooked on meth about the same time, and in the same general neighborhood, and eventually learned to cook as well—out of economic necessity.

Bishop says a friend introduced her to the drug in 1997, and she liked it immediately. In about two months, her habit grew from $100 a week to $400 as she switched from eating meth to smoking it.

''I had to have it just to get out of bed,'' Bishop said. ''If I didn't have it, I wasn't moving.''

Bishop depended on the drug to allow her to work long hours managing a gasoline station. But when her habit quickly exceeded her salary, the friend who first sold her meth began giving her money to buy cold pills.

She started shoplifting the pills so she could keep the cash and, as many meth addicts do, learned to make the drug herself.

Bishop, a high school dropout, said she caught on quickly.

''It was amazing I could take all these chemicals and make a drug, but I can't grasp simple things to get my GED,'' Bishop said.

By the late 1990s, many stores had begun limiting how many boxes of cold pills a person could buy at one time. (It takes about 1,100 standard-strength pills to make a 1-ounce batch of meth, roughly 280 doses.)

Meth cooks have generally sidestepped such measures by sending out groups of people to buy cold pills from as many stores as necessary to acquire the amount needed for the next batch.

Laws cripple cooks, but meth keeps coming. But in the last two years, authorities have gotten more aggressive in trying to squeeze the cooks.

About 40 states have passed laws to restrict the sale of pseudoephedrine products or are considering them.

In Ohio, legislators are considering a bill that would restrict sales of pseudoephedrine products.

The Oregon legislature agreed last month to make it a prescription drug. And Congress is considering a bill that would follow Oklahoma's lead by requiring buyers of the pills to show identification and sign a log book.

A number of national retailers have voluntarily moved cold tablets to more-secure areas of their stores. And drug manufacturers are gearing up production of cold pills that contain phenylephrine—which cannot easily be converted into meth—instead of pseudoephedrine.

Since Oklahoma's pioneering law took effect last year, methlab seizures there have plummeted.

But not all the news is good. Narcotics detectives say there is more meth than ever in Oklahoma. And the quality is better.

With local cooks being shut down, the state's entrenched meth demand is now being met by Mexican narcotraficantes who have stepped up production, mostly south of the border, to supply a growing U.S. market.

Seizures of ''ice''—the nearly pure form of meth churned out in Mexican super labs—have jumped nearly five fold in Oklahoma since its pseudoephedrine law took effect in April 2004.

Ice, which resembles shards of glass, ''is like meth on rocket fuel,'' said Mark Woodward, a spokesman for the Oklahoma Bureau of Narcotics and Dangerous Drugs.

Because of its purity and strength, he said, it's more addictive and more dangerous than the home-cooked meth it's replacing.

As long as the demand for meth highs persists, the future does not look bright. There are no signs that meth use is dropping in the West, Midwest or Southeast—areas of the country where meth use has become entrenched.

More Californians were treated for methamphetamine addiction than alcoholism in 2003. And meth has started to make inroads into Pennsylvania, Maryland and rural communities of New York—the outskirts of the Northeast Corridor, which is home to 60 million people, one-fifth of the U.S. population.

Vermont and Maine have been bracing for an upswing in meth use and manufacturing. Two labs were recently found in Connecticut.

''Their numbers [of meth users] are going to go up,'' said Special Agent Michael Heald, a methamphetamine expert with the U.S. Drug Enforcement Administration.

Heald acknowledged that law enforcement's ability to stop the eastward surge of meth is limited. Prevention and treatment, he said, are the best weapons in this particular battle in the war on drugs.

''Until we teach people that drugs are absolutely destructive to ourselves and society, we can arrest all the people we can'' and still not win, Heald said.

''We can't do this alone.''

VIRGINIA FACT SHEET—COBURN AMENDMENT #1648 TO H.R. 2862

This amendment eliminates funding for the Advanced Technology Program (ATP) and shifts the funding to three separate programs: Byrne Justice Assistance Grants (JAG), Community Oriented Policing Services (COPS), and the National Weather Service (NWS).

Specifically, funding for ATP is reduced by $140 million, funding for JAG is increased by $48 million, funding for COPS/Methamphetamine Hot Spots is increased by $72 million, and funding for NWS is increased by $4.9 million.

Since 1990, ATP has funneled more than $700 million to Fortune 500 companies that do not require government assistance. For example, GE (revenues of $152 billion in 2004) has received $91 million from ATP, IBM (revenues of $96 billion in 2004) has received $126 million from ATP, and Motorola (revenues of $31 billion in 2004) has received $44 million from ATP since 1990.

Since 1990, Virginia has received an average of $3.4 million from ATP each year. In fiscal year 2005, Virginia received $9.7 million from Byrne JAG funding alone.

Even though ATP was created to fund research that cannot attract private financing, a Government Accountability Office study found that 63 percent of ATP grant recipients never even sought private financing. Quite simply, ATP funnels taxpayer money to billion dollar corporations that do not need government subsidies for research and development.

The National Association of Attorneys General, National District Attorneys Association, National Narcotics Officers Association Coalition, and National Sheriffs Association have all expressed support for the Coburn amendment.

Earlier this year, Judith Williams Jagdmann, the Attorney General of Virginia, co-signed a letter to Congressional leadership. The letter stated that funding cuts for law enforcement grants ''will devastate state law enforcement efforts—especially drug enforcement—if they are not restored.'' In the absence of this amendment, Byrne JAG funding will be cut by $6.5 million relative to 2005 levels.

In Virginia, at least 7 percent of high school students have admitted to using methamphetamines at least once. A July 2005 survey of law enforcement agencies conducted by the National Association of Counties found that ''Meth is the leading drug-related local law enforcement problem in the country.''

According to the same survey, 70 percent of responding officials stated that other crimes, including robberies and burglaries, had increased because of methamphetamine use.

The Methamphetamine Hot Spots program, part of COPS, addresses a broad array of law enforcement initiatives pertaining to the investigation of methamphetamine use and trafficking, trains law enforcement officials, collects intelligence, and works to discover, interdict, and dismantle clandestine drug laboratories. This amendment would ensure that this program receives the funding it needs to tackle the serious problems associated with methamphetamine use and distribution.

This amendment also increases funding for the National Weather Service, and directs the additional funding towards the Inland and Coastal Hurricane Monitoring and Prediction program and the Hurricane and Tornado Broadcast Campaign.

MINNESOTA FACT SHEET—COBURN AMENDMENT #1648 TO H.R. 2862

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Since 1990, ATP has funneled more than $700 million to Fortune 500 companies that do not require government assistance. For example, GE (revenues of $152 billion in 2004) has received $91 million from ATP, IBM (revenues of $96 billion in 2004) has received $126 million from ATP, and Motorola (revenues of $31 billion in 2004) has received $44 million from ATP since 1990.

Since 1990, Minnesota has received an average of $4.6 million from ATP each year. In

fiscal year 2005, Minnesota received $6.9 million from Byrne JAG funding alone.

Even though ATP was created to fund research that cannot attract private financing, a Government Accountability Office study found that 63 percent of ATP grant recipients never even sought private financing. Quite simply, ATP funnels taxpayer money to billion dollar corporations that do not need government subsidies for research and development.

The National Association of Attorneys General, National District Attorneys Association, National Narcotics Officers Association Coalition, and National Sheriffs Association have all expressed support for the Coburn amendment.

Earlier this year, Mike Hatch, the Attorney General of Minnesota, co-signed a letter to Congressional leadership. The letter stated that funding cuts for law enforcement grants ''will devastate state law enforcement efforts—especially drug enforcement—if they are not restored.'' In the absence of this amendment, Byrne JAG funding will be cut by $6.5 million relative to 2005 levels.

In Minnesota, at least 5 percent of high school students have admitted to using methamphetamines at least once. A July 2005 survey of law enforcement agencies conducted by the National Association of Counties found that ''Meth is the leading drug-related local law enforcement problem in the country.''

According to the same survey, 70 percent of responding officials stated that other crimes, including robberies and burglaries, had increased because of methamphetamine use.

The Methamphetamine Hot Spots program, part of COPS, addresses a broad array of law enforcement initiatives pertaining to the investigation of methamphetamine use and trafficking, trains law enforcement officials, collects intelligence, and works to discover, interdict, and dismantle clandestine drug laboratories. This amendment would ensure that this program receives the funding it needs to tackle the serious problems associated with methamphetamine use and distribution.

This amendment also increases funding for the National Weather Service, and directs the additional funding towards the Inland and Coastal Hurricane Monitoring and Prediction program and the Hurricane and Tornado Broadcast Campaign.

Senator Norm Coleman of Minnesota is a co-sponsor of this amendment.

Mr. COBURN. This is an area where there will be some controversy. I don't know if we will win the vote on this amendment. If we start looking at the human faces of what we, as Government, can do versus what business on its own can do and venture capital on its own can do, what we will see is that our parochialism needs to stop in terms of benefits to limited numbers, and we need to increase benefits to the masses. What I am asking by this grant is to eliminate a program that is marginal at best and put the money where it is going to make a tremendous difference in people's lives, born and unborn. It is my hope the Senate will concur with the amendment and that we can have a bipartisan vote to do it. It is also my hope that this is the first of many amendments, as we continue the appropriations process, where we will start making the hard choices—not easy, not black and white, but gray—that are necessary for us to meet the growing needs of the Federal Government in this time of tremendous tragedy along our gulf coast and in a time of tragedy for our budget.

It is my hope we won't vote this based on what we feel our own State gets but what is best for the country and how we move forward.

I yield the floor.

AMENDMENT NO. 1668

Mr. BINGAMAN. Mr. President, I rise today to speak on behalf of my amendment that would allocate $2 million for methamphetamine education programs in our Nation's schools. I am very pleased that this measure has been included in the underlying bill, and I would like to take a moment to explain why this amendment is so important.

Over the August recess I traveled throughout New Mexico to discuss the challenges local communities are facing in confronting problems associated with meth. I met with law enforcement, health officials, prosecutors, citizens, and State and local representatives. At each place I visited—Moriarty, Roswell, Farmington, Belen, Santa Fe, Taos, and Albuquerque—the message was clear: methamphetamine is the most serious drug threat that we are facing and we must do more to fight the spread of this epidemic.

Indeed, the National Association of Counties recently released a report that found that 58 percent of counties surveyed viewed meth as their largest drug problem, and 70 percent of law enforcement reported that robberies and burglaries have substantially increased due to meth use in their communities. And according to the DEA, there were some 16,000 meth lab seizures last year, up from 912 in 1995. In New Mexico, the number of labs seized increased fivefold from 1998 to 2003. The drug is particularly harmful because of its impact on the user, the likelihood of exposure to chemicals during the drug production process, and the high cleanup costs associated with dismantling labs.

We must address this issue in a comprehensive manner by reducing domestic production, providing law enforcement with the tools they need to fight the meth epidemic, disrupting the importation of meth or its precursor chemicals into the United States, and by developing effective education and treatment programs.

With regard to limiting domestic production, I am proud to be a cosponsor of the Combat Meth Act, which was introduced by Senators TALENT and FEINSTEIN, and included in the CJS appropriations bill. The bill would curb production by moving pseudoephedrine, the primary ingredient in meth and a common ingredient in cold medicines, behind the pharmacy counter. After Oklahoma enacted a similar law meth production dropped by over 80 percent in 1 year. The bill also provides additional funding for law enforcement and creates a research and training center aimed at developing effective treatments for meth users.

I am also pleased that the CJS appropriations bill provides funding for the COPS meth program to assist local law enforcement obtain the equipment they need to safely and effectively clean up meth labs. I was very disappointed that the President proposed cutting the total COPS program by 96 percent and the meth portion of the program by 62 percent. Fortunately, the Appropriations Committee rejected the administration's proposal and included over $60 million for the COPS meth program, which is about $5 million more than last year. Since 1994, New Mexico has received over $68 million in COPS grants and more than $860,000 specifically under the COPS meth program. The administration also proposed cutting the HIDT A program by more than 50 percent, from $226 million to $100 million. These cuts, if enacted, would have significantly impacted our ability to fight the importation of meth from countries such as Mexico. Thankfully the Senate rejected this proposal as well.

However, I believe that we should also be focusing more on prevention by educating youth on the dangers of using meth. Along with enhanced law enforcement, prevention and education are key to combating meth. My amendment would provide funding for grants to law enforcement and health and school officials to carry out meth education prevention efforts in schools across the country. This funding could be used by local officials to tailor curriculum to the needs of their local comminutes and purchase the materials they need to educate youth on the dangers of meth.

According to ONDCP, there is a 95-percent chance that a first-time meth user will become addicted. Once kids get addicted there aren't a lot of treatment options and they often face tough criminal sanctions for using the drug. We need to emphasize education prevention efforts so we can stop people from going down a hard-to-reverse path riddled with crime and devastating health effects.

Because the consequences of meth use are so visibly evident, such as rotting teeth and open sores, students will likely be more receptive to such information than with other drugs, such as marijuana, that are normally the target of drug education prevention efforts in schools. The ingredients used in the production of meth, such as battery acid, antifreeze, kitty litter, lithium batteries, also create an opportunity to make children understand the dangerous nature of this drug.

According to a report issued this month by the Substance Abuse and Metal Health Services Administratior, SAMHSA, there were 583,000 current users of meth in 2004 aud 1.4 million persons ages 12 and older have used meth in the past year. By providing additional resources for prevention and education, I believe that we can make considerable headway in fighting this terrible epidemic, and I am glad that the Senate has acted on this important measure.

The PRESIDING OFFICER. The Senator from Maryland.

ORDER OF PROCEDURE

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the time from 5 o'clock to 5:30 today be a period of morning business and that that time be under my control or, in my absence, the control of the Senator from California, Mrs. BOXER.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF JOHN ROBERTS

Ms. MIKULSKI. Mr. President, I will put on a different hat. I was talking about appropriations. Now I will talk about a drama that is unfolding in the Senate which is the confirmation hearings on Judge John Roberts to go to the Supreme Court and to be the Chief Justice. I rise today to talk about this nomination because this is a decision of enormous consequence. One of the most significant and far-reaching votes a Senator can make relates to the Supreme Court. Why? Because it is irrevocable. When you vote for a Supreme Court Justice, that Justice has a lifetime appointment. Unless there is an impeachment, which is rare, it is forever.

The hearings are incredibly important, they provide the Senate and the American public with the opportunity to know more about where the nominee stands on core constitutional principles. I urge Judge Roberts to answer the questions that the Committee asks of him.

But equally important is completing the picture. The Senate should have access to the full record of the nominee who is going into the hearings. We need to know more about Judge Roberts. We have all met him. We find him personable. We find him smart. We find him capable. But we wonder, what is his judicial philosophy. What will he be like, not only as a member of Court but now as the Chief Justice. Look back to the record, not only the resume but to the record.

This is why I am joining with a group of other Senators to urge the White House to release documents on 16 cases argued by the Solicitor General when Judge Roberts was the Principal Deputy Solicitor General. You might ask: Why do you need to know this? This is when then Mr. Roberts played a very important role in shaping strategy, recommending policy, and it is one of the best insights we have into his judicial philosophy, his views, his legal reasoning. We want to know: Where does he stand on an issue such as the implicit right of privacy, on issues related to civil rights, on religious expression, on title IX, on affirmative action, and voting rights. And we want to know because the record before us now raises serious questions about his commitment to women's and civil rights. Prior to any vote, the American people need to know where he stands on these issues. We, the Senators, need to know, too, so we can make an informed, rational decision.

The administration has refused to release these documents, even though they did so before. They did it when Mr. Bork was nominated, and they did it when William Rehnquist was nominated. This is particularly compelling since now the Roberts nomination has gone from a replacement of Justice Sandra Day O'Connor to replacing the Chief Justice. These documents matter because they represent the views from later in his career when he held his highest political appointment and was responsible for making policy recommendations. These documents will illuminate his beliefs and his approach to the law, and they will help this Senator and others to know where he stands on the important issues.

It is the constitutional duty of the Senate to conduct a thorough examination of the nominee, and we can only do it if we hear from the nominee himself through the confirmation processes, and have a complete record before us. We have his resume, he has received his rating from the American Bar Association, but we now need the documents on these 16 cases in order for us to do our homework and to do our due diligence. This is probably one of the most important votes I will ever take, along with my 99 colleagues. We need to know:

What type of Justice will John Roberts be?

Before the Senate left for its August break, I joined with six of my Democratic women colleagues to launch a website allowing Americans to have a voice in the confirmation process. The American people have a right to be part of the process and let the Senate know what they want Judge Roberts to answer. And we want them at the table. We want them to feel included and have the chance to participate. The Democratic women launched a Web site to allow them that opportunity. We remember how we were shut out during the judicial proceedings on Clarence Thomas. There were no women on the Judiciary Committee. Now there are. But we know what it is like not to have a seat at the table. We know what it is like not to be able to raise our questions. So we established this Web site so the public could ask about issues that impact them every day.

Guess what. Over the past month alone, 25,000 Americans responded to this Web site—with over 40,000 questions. They wanted to know where Judge Roberts stands on Roe v. Wade, privacy rights in light of national security challenges, the right to privacy, such as under the PATRIOT Act, what about so-called religious expression in schools, protecting our environment, protecting our civil rights, protecting our voting rights. And I am standing with them, because the record before us shows that Judge Roberts has argued against established constitutional protections against sex discrimination. He has argued that disparate treatment of men and women is reasonable when you don't have the resources to provide for both. He supported a very narrow interpretation of title IX. All arguments which the Supreme Court has squarely rejected.

Clearly, there are reasons people are troubled. Questions that Americans sent us were on the deepest and most heartfelt concerns of their families. A woman in Ohio wanted to ask Judge Roberts where he stands on women's equality. She said not just on choice and reproductive rights, but on wage equality, childcare options, glass ceilings. Where is he in the enforcement of equal opportunity and nondiscrimination.

A man from my home State of Maryland wanted to know did Judge Roberts support title IX. His niece played sports in high school and wanted to be sure that college sports teams would have resources and access to scholarships, as the guy teams do. A mother from Indiana wrote us. A single mom. In the 1950s, she was earning 60 cents for every dollar a man earned. She wanted to know where the judge stands on pay equity. These were the kinds of things they wanted to know. Quite frankly, I would like to know too. How Judge Roberts chooses to respond is his business. But whether we support the nominee based on those responses is our business and how the administration responds to our requests for documents is also our business.

That is why the White House must release those documents to the Senate. We want to have access to the documents relating to those 16 very important cases that were argued by the Solicitor General before the Supreme Court. These documents will help us evaluate the nominee and will enable us to make the kind of decision the American people want us to make.

As Judge Roberts begins his testimony and is asked about his past decisions, judicial philosophy and legal background, Americans will be watching. I urge the nominee to be forthcoming. He should not conceal his views on issues that the majority of Americans care about like reproductive choice, civil rights, congressional power, the environment and separation of church and state.

I also urge the White House to be forthcoming. They should not conceal documents that may illuminate those views. Judge Roberts' past career causes concern about his commitment to core constitutional principles and we need to have, and the American people deserve, a complete picture.

Mr. GREGG. Will the Senator yield for a question?

Ms. MIKULSKI. Yes.

Mr. GREGG. I ask if the Senator would allow me to propound a unanimous consent request so that I might speak at the conclusion of the speakers she has on her side.

Ms. MIKULSKI. First, in terms of senatorial courtesy, I have no reason to object. But as I understand it, the order of the day is that at 5:30, we must go into consideration of the mercury rule for 1 hour. I ask the Presiding Officer, what is the order?

The PRESIDING OFFICER. The order is that at 5:30, the Senate will be in morning business for 1 hour with the time controlled by Senator INHOFE of Oklahoma or his designee, and the Senator from Nevada, Mr. REID, or his designee.

Ms. MIKULSKI. May I ask the Presiding Officer, at 5:30 the Senate will go into morning business?

The PRESIDING OFFICER. The Senator is correct.

Ms. MIKULSKI. Who controls that morning business?

The PRESIDING OFFICER. The time is equally divided and controlled by Senator INHOFE of Oklahoma or his designee and the Senator from Nevada, Mr. REID, or his designee.

Ms. MIKULSKI. I misunderstood. I thought there was a mandate at 5:30 to go to the mercury rule. I have no objection to the Senator's request.

Mr. GREGG. I ask unanimous consent that I be allowed at 5:30 to proceed for 10 minutes in morning business and that I be recognized at that time.

Mrs. BOXER. Reserving the right to object——

Mr. GREGG. Assuming the speakers on the other side have completed their statements.

Mrs. BOXER. I have absolutely no problem with this. I know Senator CLINTON is trying to make it from an airplane to get to the floor. So as I understand it, Senator MIKULSKI has the time until 5:30; is that correct?

Ms. MIKULSKI. Yes.

Mrs. BOXER. Hopefully, she will make it. If I could cover us and say 5:35, and then it would go to Senator GREGG, would that be OK?

Mr. GREGG. I amend my request so that I be recognized at 5:35 for 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. I thank the Senator from Maryland.

Ms. MIKULSKI. Mr. President, I have now concluded my remarks and yield to the Senator from California, Senator BOXER, such time as she may consume.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I thank the Senator from Maryland for her leadership in reaching out to the people of this country, asking them to send in their questions for Judge Roberts. As she noted, 25,000 individuals wrote in questions and we received a total of 40,000 questions. It shows the American people have a lot at stake. This is a serious time for our country, and a very important nomination. We certainly know that.

Most Americans understand that the Court plays a huge role in defending our rights and freedoms, and now Judge Roberts has been nominated to be the Chief Justice of the United States. Although some will say it makes no difference, it makes a big difference. The Chief Justice runs the Court, sets its tone, assigns responsibility for writing its decisions, has a certain amount of cachet to speak for the Court, and so on.

The Judiciary Committee began its hearings today on Judge Roberts. This is a vital part of the advice and consent role of the Senate. Before we vote, it is every Senator's duty to find out if Judge Roberts will uphold or undermine our fundamental freedoms, the freedoms that essentially define us as Americans. It is our duty to find out if Judge Roberts will fulfill the promise etched above the Court itself: Equal justice under the law—not justice only for the powerful, but equal justice for all. And when I say we have a duty, I am talking about our responsibility as Senators to act on behalf of we the American people.

That is why the Democratic women, under Senator MIKULSKI's leadership, created the AskRoberts Web site. Americans submitted 40,000 questions about a broad range of issues, including privacy, reproductive health, civil rights, women's rights, and the environment. One individual posed this question to Judge Roberts: In your opinion, why would the White House refuse to turn over public records from your time as Deputy Solicitor General? What is there to hide?

What is there to hide? It is a very important question. Senators on both sides of the aisle should be asking that question. Before we confirm Judge Roberts to a lifetime appointment as Chief Justice, we need to know everything possible about his views and philosophy. This isn't because it is interesting, because I am sure it would be interesting. Judge Roberts is a very bright and interesting man. But it is because every American's rights and freedoms hang in the balance. Judge Roberts has a very thin record on the bench. Therefore, his writings and statements, when he worked for the Reagan administration and the first Bush administration, become very important.

We know that in his position working for Kenneth Starr, Mr. ROBERTS played a very important role. He was a top decisionmaker in the Solicitor General's Office. He appeared before the Supreme Court and, by his own admission, made the final determination of which cases to appeal in hundreds of circumstances. It is not as if we haven't gotten information like this before. We did so during the confirmation hearings for Judge Bork and Justice Rehnquist.

That is why Democrats on the Judiciary Committee, under the leadership of Senator LEAHY, and the Democratic leadership, under the leadership of Senator REID, and the Democratic women, under the leadership of Senator MIKULSKI, and the entire Democratic caucus have written letter after letter to Attorney General Gonzales demanding these documents be released.

We are talking about a very narrow request—only 16 cases—not a broad request for all records. What are these cases we are asking about? They include three about reproductive health, five about discrimination and civil rights, and three about the environment. These are the very issues Americans told us they wanted Roberts to answer questions about when they wrote to our Web site.

In poll after poll, the American people are saying that Judge Roberts has to tell us what he believes, and we deserve to have this information. Everyone agrees that Judge Roberts is extremely qualified and very personable. But we need to know about his views and philosophy because, if confirmed, the cases he would decide will impact the daily lives of all Americans.

I believe the American people want transparency and openness in this process. This should not be some hide-and-seek, catch-me-if-you-can deal. This is about someone who could sit on the Court for 30 years, or more. This is someone who is going to influence the lives of our grandchildren and perhaps even our great grandchildren.

In addition to getting the information on these cases, Judge Roberts also must answer questions, and I hope he is going to do that. I know a couple of my colleagues on the other side of the aisle today seemed to be counseling him not to answer questions. One of them cited Judge Ginsburg, and said she drew the line by refusing to answer questions.

Let me tell you what Judge Ginsburg said at her hearing when she was asked about Roe v. Wade and a woman's reproduction freedom. She said:

It's a decision she must make for herself.

And when Government controls that decision for her, she is being treated as less than a fully adult human.

That is a quote from Ruth Bader Ginsburg. And it is certainly at odds with all that Senator HATCH and others are saying about how Ruth Bader Ginsburg didn't answer questions about key legal issues. No. 1, her writings on this and other topics were extensive. Then at the hearing, she said clearly that when the Government takes control—I am going to read it again:

When Government controls that decision, a woman is being treated as less than a fully adult human.

I want to know whether Judge Roberts agrees with that. He will have a chance to express that view and also his view about the role of Congress in protecting our families and communities. Take, for example, the violence against women. Part of that act, written by JOE BIDEN and ORRIN HATCH—and I worked with Senator BIDEN for years on that—part of that law was thrown out. We want to know how Judge Roberts feels about whether we in the Senate can protect the women of our country, can protect the families of our country, can protect those who perhaps cannot speak for themselves.

We need to know if Judge Roberts thinks the right to privacy is a fundamental right. We know he wrote about it as the so-called right of privacy.

If I referred to your spouse as your ''so-called spouse,'' that would be an insult, wouldn't it? If I referred to your right to vote as your ''so-called right to vote,'' my constituency would be very upset with me because the right to vote is not a so-called right. So when you say something is a so-called right, it raises a lot of questions about how you feel about it.

We also need to know why Judge Roberts argued before the Supreme Court and on national TV that our Federal courts and marshals had no role in stopping clinic violence when women were being threatened and intimidated at family planning clinics all over the country.

It is time for Judge Roberts to say what he really thinks—on privacy, on gender discrimination, on civil rights, on the environment. On the appellate court, he wrote an opinion that raises questions about whether he would find the endangered species act constitutional. Does he think it is our right in the Congress to pass environmental laws that protect all Americans?

As Senator MIKULSKI said, the role of the women Senators is very important. Women across America are counting on us to stand up, to ask the questions, and to get the answers. When we vote on this nomination, it must be an informed vote either yes because we believe he will protect our rights and freedoms or no because we have not been convinced.

I thank the Chair. I yield back my time to Senator MIKULSKI.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I yield the floor to the senior Senator from the State of Washington, Mrs. MURRAY, for such time as she may consume.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I thank the Senator from Maryland for organizing the AskRoberts.com in which we are all participating to allow people across this country to be a part of this very important process that is occurring in the Senate today.

Today, our country faces many challenges. We look at the suffering along the gulf coast, we face ongoing military operations in Iraq and in Afghanistan, and we face the solemn and significant task of not only filling two Court vacancies but confirming a new Chief Justice. While the confirmation of a new Justice may not be the topic of dinner table conversations across the country tonight, the actions of the next Supreme Court Justice will impact the lives of every American family for generations to come.

Last week, this Chamber mourned the passing of Chief Justice Rehnquist who served on our Nation's highest Court for over three decades. The great range of issues on which the Supreme Court ruled during Justice Rehnquist's tenure—from Roe v. Wade to capital punishment to Miranda rights to the conclusion of a Presidential election—shows the American public just how closely the Court touches each of our daily lives. My home State of Washington is 3,000 miles away from the Nation's Capital, but the issues the Supreme Court takes up, whether it be title IX or eminent domain or a woman's right to choose, hits home for them as well.

Back in 1991, when I was a State Senator and a former school board member and a mother, I watched the Clarence Thomas confirmation hearings that came before the Senate Judiciary Committee. For days and days, I sat in frustration at home. I simply could not believe that this nominee was not asked about the issues about which I cared. I did not believe the Senators in that room were representing me or asking the questions I wanted answered. So I did something about it: I ran for the U.S. Senate. Now, thankfully, I am here and I can get my questions answered. But I remain very concerned for the women and the men in my State and around the country. Certainly they have issues that are important to them that will come before the Supreme Court. Certainly they have questions they want answered. Not everyone is going to be able to run for the Senate, but everyone should be able to have their voice heard.

This is a process in which the American public deserves to be involved. Judge Roberts is being considered for a lifetime appointment, and the American people deserve to know where he stands on a number of issues that affect our Nation's future. That desire to give Americans around the country a voice in this process is what inspired me and my colleagues from California and Maryland to set up a Web site: AskRoberts.com. Through our Web site, we have collected tens of thousands of questions over the past several months that have now been delivered to the Senate Judiciary Committee in hopes that they will be asked of Judge Roberts during his confirmation hearing.

This is not an inside-the-beltway debate. Judge Roberts has been nominated to a lifetime appointment on the highest Court in the land, and he will influence our path on issues ranging across the spectrum.

Many Americans must be wondering what this all means to them, how it will affect them. Let me make it clear: This debate we are now having is about whether we want to protect essential rights and liberties, including the right to privacy about which the Senator from California talked. This debate is about whether we want free and open government. This debate is about whether we want a clean, healthy environment and the ability to enforce laws to protect it fairly. And this debate is about preserving equal protection under the law.

Judge Roberts has an obligation—not to the Senate but to the American people—to make his views known on these basic values. Only then can we make a reasoned judgment on his nomination. That is why I have joined with a number of my colleagues in calling on the Attorney General to fulfill the request that was made by our colleagues on the Judiciary Committee for documents related to 16 key cases on which Judge Roberts played a leadership role during his service as Solicitor General. Not only is there precedent for the disclosure of those documents—similar information was provided to the Senate when it considered the nomination of Justice Rehnquist—but there is also clear imperative. If we are going to fulfill our constitutional duty to provide meaningful advice and consent on this nomination, that consent must be informed and this process must be opened, not only to the Members of this body but to the American people.

With the questions and concerns of Americans from coast to coast in mind, I will work with my colleagues to ensure that the President's nominee to fill this position will be fair and impartial, evenhanded in administering justice, and will protect the rights and liberties of all Americans.

Mr. President, I yield back my remaining time.

Mrs. BOXER. Mr. President, as I understand it, we have 5 minutes before Senator GREGG has the floor; is that correct?

The PRESIDING OFFICER. The Senator from California is correct.

Mrs. BOXER. Mr. President, I thank Senator MURRAY because she has a way of putting things quite succinctly and clearly and I appreciate her coming to the floor.

There is a very interesting editorial today in USA Today, and I want to quote from it. The first part says there is no question that the President has chosen someone with similar views to Judge Rehnquist. This is what they say:

> But, if the men are similar, the nation is different now from what it was when Rehnquist joined the Court 33 years ago, and that difference raises provocative questions for Roberts as Senate confirmation hearings begin today.

This is how they say it has changed since Judge Rehnquist's hearings:

> In particular, the United States has become a far more tolerant society. In 1972, racial segregation was still being dismantled. Women, like African-Americans, were routinely deprived of equal opportunity. The notion that Americans possess a right to privacy, established by the landmark 1965 Supreme Court case that overturned state laws against birth control, was still taking root.

This editorial goes on to ask if Roberts would make it difficult for Congress to extend those gains or even turn back the clock, concluding:

> His record leaves plenty of room for doubt.

Now, this is USA Today. It is not considered a liberal newspaper. It is a pretty mainstream paper and it raises the issue of privacy, writing:

In memos written when he was in the Reagan administration, Roberts disparaged the notion that there is a constitutional right to privacy that prevents the government from criminalizing contraception, abortion and gay sex.

And then it talks about race:

Roberts has belittled affirmative action as ''recruiting of inadequately prepared candidates'' and has argued for standards that would make it easier for school districts to evade desegregation orders.

On women's rights, it is also troubling:

Roberts ridiculed the concept that women are subject to workplace discrimination, and he argued for narrowing the government's ability to enforce the ban on gender discrimination in education.

They close by saying:

His record bears close scrutiny and his answers should go a long way toward determining whether he should be confirmed for a lifetime appointment as the Nation's most powerful jurist, deciding issues barely imaginable today and influencing the lives of generations to come.

As I say, this editorial is quite mainstream. It raises legitimate concerns about Judge Roberts. It basically says to the Senate, it is your job to find out how he is going to rule on cases we cannot even envision at this time.

I think that the committee is off to a good start. I received a briefing while I was on a plane today about the Senators' comments on both sides of the aisle. It clearly seems to be a confirmation that both sides are taking extremely seriously.

I say to those friends and colleagues on the other side who are counseling Judge Roberts that he does not have to answer questions, that would be a big mistake. The American people in poll after poll are saying to us, we have a right to know. We want to have answers to very important questions that will shed light on if Judge Roberts is going to make sure this Congress and this Federal Government can protect them; that we can protect the environment; equal rights for women and for minorities; that we have the ability to make life better for the American people; and that we, in fact, will be able to respect the dignity of our people by making sure there is not a ''so-called'' right to privacy but a fundamental right to privacy that has been articulated by the Court and that we hope Judge Roberts will uphold.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

BUDGET RECONCILIATION

Mr. GREGG. Mr. President, I rise to speak a little bit about the schedule of the reconciliation bill which this Congress was supposed to actually take up this week. As we all know, reconciliation is one of the key procedures by which the Congress addresses spending, specifically spending in mandatory programs and tax policy. In the budget which we passed about 5 months ago, we included reconciliation instructions which essentially say to committees within the Senate and within the House that they are to change the entitlement programs they have jurisdiction over in order to slow the rate of growth of a number of those programs or in order to generate revenues from those programs which might not otherwise be coming in in order to reduce the size of the deficit and in order to make the Government more affordable.

This reconciliation proposal which came forward requested approximately $34 billion in savings on the entitlement side, $70 billion in tax policy changes. It was to be executed on or preceded with this week with a reconciliation bill on the spending side of the ledger. In consultation with the leadership, who obviously makes the final decisions, and with the House, we have decided to move the date of reconciliation so the Budget Committee will report a reconciliation bill on October 26. This will essentially allow committees, especially the authorizing committees, which are now heavily engaged in the issue of trying to address the catastrophe brought on by Katrina, the opportunity to have time to order their reconciliation changes so they can bring forward effective bills which will accomplish the instructions as proposed.

Some have asked, why go forward with reconciliation at all in light of the Katrina situation? I think it is important to recognize what reconciliation is in relationship to a disaster, a catastrophe of the size of Katrina. Obviously, the impact on the Gulf States has been enormous and we have to do whatever we can to help the people of the Gulf States rebuild and reestablish their lives in some semblance of order and give them some opportunity for hope. And we are doing that as a Congress. The administration is trying to do that and obviously the States and local governments are trying to pursue that activity.

We will get past the Katrina problem. The people of the Gulf States are energetic, enthusiastic, and productive people, as are all Americans, and America has come to their aid as a nation, which we should. Obviously it is going to take time, but this is a one-time event—hopefully never will happen again, and has never happened before—of this magnitude, and we should be able as a nation to manage and correct the situation and give relief to the people of that region and do the reconstruction that is necessary. That is a one-time spending event.

What the reconciliation instructions address are the long-term implications especially of entitlement spending. We know that over the next 10, 20, 30, 40 years we are looking at massive increases in spending on mandatory programs, especially the health programs of the Federal Government, primarily because of the aging of the baby boom generation. As a nation, we need to set policies in place today which will allow us to be able to afford the costs which this huge generation is going to incur in order to maintain its health and also its retirement.

Reconciliation is a very small step down that road of trying to improve the policy so we can better deliver services to seniors who get Medicaid and other people who get Medicaid—obviously children—and at the same time make it affordable. The reconciliation instructions cover 5 years. In fact, the Medicaid instruction, which has been the most contentious, anticipates no savings in the next year. So clearly it has no impact on the Katrina event, most of which money for that restoration will occur within the next year.

Over the next 5 years, what we proposed is slowing the rate of growth of Medicaid under the reconciliation instructions from 41 percent back to 40 percent. I had hoped we would go from 41 percent to 39 percent. I thought 39 percent was a pretty good rate of growth, but that was not acceptable so we are going to a 40-percent rate of growth over the next 5 years, on a $1.1 trillion spending program. That is what Medicaid will be over the next 5 years. We are suggesting that we will save $10 billion—$34 billion over the whole reconciliation instruction—on a $1.1 trillion spending program over 5 years, with none of it occurring next year.

How can we do that? We can actually do it by delivering more services to more people. If we give Governors greater flexibility with their Medicaid funds, Governors have told us with more flexibility they can cover more people and do it at lower cost. That is called good management. It does not take a lot of good management to shave 1 percent off the rate of growth, which will be around 40 percent. So it is a very doable event, and we need to proceed with it.

There are other committees that have received reconciliation instructions that actually want those instructions, that want to be able to proceed forward because they see opportunities to improve Government and to generate a better return for taxpayers. One, of course, is the Commerce Committee. Another is the HELP Committee which has reported out an incredibly strong higher education bill where they are basically going to expand rather significantly the dollars available to people who go to college through Pell programs and other programs, under the leadership of Chairman ENZI. That bill has been reported out, has saved about $7 billion, but has also generated about $6.5 billion which will go back into student loans. It has done it without impacting student loans but actually expanded student loans by taking action in the area of lenders accounts. Chairman ENZI deserves lot of credit for it and we should proceed with that.

Chairman ENZI also reported out a bill, along with the Finance Committee, to address the pension reform issue. We need to address pension reform. We are not going to be able to do

it unless we do it in reconciliation. We know we have major bankruptcies coming at us. Regrettably some of them are in the airline industry, maybe even this week. There are rumors about that. We know when people go into bankruptcy, their pension funds go into the PBGC. We know the PBGC has somewhere between a $30 billion and $50 billion projected unfunded liability or deficit. If we are going to be able to maintain those accounts so that people who have been planning all their life to receive pensions, if they are in a company that goes bankrupt, still receive some percentage of their pensions rather than get completely wiped out, we have to have a solvent PBGC. So Chairman ENZI and Chairman GRASSLEY have both reported out bills to try to accomplish that and they are using reconciliation to proceed in that direction, and that is very possible. So we need the reconciliation bill to put in place policies which do not address the immediate problem of today, which is obviously the Katrina issue, or the problem even of next year or the year after.

These policies under reconciliation will address 5 years, 10 years, 15 years down the road and address them in a positive way. They are small steps, but they are important steps, and that is why we need to go forward with reconciliation. That is why we have set this date and moved it a month but only a month.

KATRINA RELIEF EFFORT

On another issue, and that is the issue of Katrina and how we are funding Katrina and the relief effort, we have now passed two supplementals totaling about $61 billion. We know we are going to get another supplemental probably within 3 or 4 weeks for another $50 billion. We also know that moving through the Congress is a whole series of initiatives relative to trying to give relief to the people in the Gulf States, which is the goal of all of us. We recognize that things such as tax packages, such as WERDA, such as the COPS program, we have on this bill—in fact, I think there is an amendment for the COPS program of $1 billion. There is an amendment dealing with Medicaid which will cost $4 billion to $6 billion. There are flood insurance issues. The simple fact is that the cost of this disaster, catastrophe, is going to be huge. The problem we have, as I see it right now—and we are willing to pay that price, by the way. I am perfectly willing to pay whatever is the appropriate price to make sure we give these people an opportunity to rebuild and restore their region in a logical manner. I have suggested that we set up a commission with a single leader along the lines of the Hoover activities in the post-1927 flood where there would be a focal point where all the Federal programs would come together and the money would be distributed in an orderly and planned manner working with the States and the local region. Then we can set up such an authority and put a person on the ground who has a national reputation and knows what he or she is doing and can manage this in a way that is orderly and has a reasonable audit function and reasonable management function so we make sure we get value for the dollars so they are not wasted. We have seen some proposals that would not work and would have wasted money already.

What we are not seeing is that sort of cooperation in the Senate or Congress. We have ideas come from all different sides. We have ideas coming from every committee—we have creative people on every committee—and we have ideas coming from the administration, but there does not appear to be any focal point for management of these ideas so we are prioritizing what we need, how we need it, and where it should come from and where it should go.

We have ideas coming out of one committee that are for flood insurance, or amendments on the floor that already represent $4 billion to $10 billion of new spending, or we have ideas coming out of the tax committees or ideas coming out of the appropriating committees. Since everybody wants to respond and respond effectively, there ought to be a management process in the Congress—and in the White House, by the way—that says this is what we prioritize as needed. This is what we want the Congress to move on quickly. Let's take a hard look at what will work and what will not work.

I am sorry we have not seen that yet. As chairman of the Budget Committee, I have been extremely concerned about this because I think we are going to wake up 6 months from now or 3 months from now and realize that a haphazard approach has not been effective either in resolving the problems in the gulf coast or in managing the taxpayers' money effectively.

I am hopeful we will see a little more order in this process. I implore our leadership to give us such order.

I yield the floor.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will be a period for the transaction of morning business for 1 hour with the time equally divided between the Senator from Oklahoma, Mr. INHOFE or his designee and the Senator from Nevada, Mr. REID or his designee.

Who yields time? The Senator from Oklahoma.

ORDER OF PROCEDURE

Mr. INHOFE. Mr. President, it is my understanding we are going to have 1-hour debate on the motion to proceed and Senator LEAHY and myself are controlling that time. It is acceptable to me, if Senator JEFFORDS would like to be heard at this time, that he be recognized.

The PRESIDING OFFICER. Who yields time to the Senator from Vermont?

Mr. LEAHY. The Senator from Vermont is seeking time? The Senator from Vermont yields such time to the Senator from Vermont as the Senator from Vermont might need.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

DISAPPROVAL OF EPA RULE PROMULGATION

Mr. JEFFORDS. Mr. President, I am pleased to join with my colleague from Vermont, the Senators from Maine, and many other Senators in a bipartisan effort to oppose the administration's mishandling of the Clean Air Act. That is what our resolution of disapproval is about.

We are here because the Bush administration's mercury rule violates the Clean Air Act. This rule is plainly illegal, it is unwise, and it is definitely unhealthy for Americans living downwind of coal-fired powerplants, especially mothers and their soon-to-be-born children.

The administration, with a simple wave of its hands, has used the rules to delay compliance with the mercury control requirements for a decade or longer than the law allows. Our resolution of disapproval is simple enough for even the biggest energy company, and the administration even, to understand. We reject this abuse of the Clean Air Act, and we demand they follow the rules of the land.

The law says: Each and every powerplant unit that emits mercury and other toxic air pollutants must take action to reduce these emissions by using maximum available control technology, or MACT.

The administration could have gone through the appropriate statutory process to delist and exempt their powerplants from regulation, but that is not what they did. Instead, they made up a whole new deregulatory scheme to help out the big energy companies. But the act does not provide them with that authority. They do not have the luxury of ignoring the laws that regular Americans must follow and that Congress wrote to protect the public's health and the environment. This administration is not above the law.

The EPA is allowed to set the MACT standard after considering costs and any nonair quality health and environmental impact and energy requirements. That they could have done. But, instead, the administration chose to violate a settlement agreement. They shut down an advisory commission because they did not like getting scientifically credible answers on mercury controls and costs. The process used to create this rule was flawed and was intended to delay and obstruct any mercury control requirements whatsoever.

In the end, the administration almost wholly adopted the utility industry's proposal on how to regulate mercury emissions. If this is not the proverbial ''fox watching the chicken coop,'' what is? This is not the way the law is supposed to work in America, nor does work in America.

I urge my colleagues, and everyone listening, to support our resolution of disapproval and to support this motion to proceed. We deserve a fair up-or-down vote on the administration's rule that illegally exempts big energy companies from having to reduce toxic air pollution wherever it is emitted.

I yield the floor.

Mr. INHOFE. I ask that we yield 3 minutes to Senator THOMAS.

The PRESIDING OFFICER. The Senator is recognized for 3 minutes.

Mr. THOMAS. Mr. President, I think we deal today with a very interesting and important issue, as a matter of fact. All of us want to do something about mercury and the emissions of mercury. We also want to have electricity, and we want to have it at a reasonable cost. Of course, our efforts now, in terms of energy, are to try to move toward using more and more coal for production because that is the biggest fossil fuel resource we have.

What we have, of course, is a proposal by the administration over a period of time to reduce mercury from this kind of production by as much as 71 percent in the country and to be able to do that in a way which will allow us to continue to use coal and to allow us to continue to do it at the reasonable price that we now have.

What we have done is developed a program to accomplish those important things. We have a regulation, 15 years in the making, which has been designed to allow for the continuation of production, to allow for the reduction over 70 percent in a period of 9 years, and to allow those who have trouble to have some offset sales so the result is a reduction in mercury, which we all want to do, while we continue to produce, which we all want to do.

I think it is a big mistake, after all these efforts that have been made to accomplish all the things we want to accomplish, to say we want to reject that and establish something that is likely to be unworkable over a period of time, plus extremely expensive.

I urge we do not repeal this effort. The opportunity has been there for Congress to work on it. We certainly will. There will be an opportunity to vote on it, if we proceed here as we should, and to be able to say, yes, we want to reduce mercury; yes, we want to continue the production of electricity produced by coal, and we want to be able to do that over a period of time with a reasonable program. That is what we have.

EPA estimates the cost of this at about $2 billion over this period of time, when what is being proposed is to do a very different thing that costs about $300 billion.

At any rate, I certainly urge we do not approve this idea of removing this regulation, this program.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. LEAHY. I yield the Senator from Maine 8 minutes.

Ms. COLLINS. Mr. President, I rise today in support of the resolution that would disapprove of the EPA's improperly crafted rule on mercury emissions, a rule that both the Agency's own inspector general, as well as the Government Accountability Office, have criticized.

In the wrong form, mercury is an acutely dangerous toxin that can cause serious neurodevelopmental harm, especially to children and pregnant women. Recent studies indicate that at least one in six women of childbearing age is carrying enough accumulated mercury in her body to pose risk of adverse health effects to her children, should she become pregnant.

Tragically, EPA's own scientists found that some 630,000 infants were born in the United States in the 12-month period from 1999 to 2000 with blood mercury levels higher than what are considered safe. In addition, a new study released last week by the Mount Sinai School of Medicine found that more than 1,500 children are born in the United States every year with mental retardation as a result of mercury exposure.

To see just how toxic mercury is, one does not have to look any farther than my home State of Maine. Every freshwater river, lake, and stream in my State is subject to a mercury advisory warning pregnant women and young children to limit consumption of fish caught in these waters. While this advisory is bad enough for the many anglers who love to fish in Maine's beautiful waters, it is especially difficult for indigenous people, like those of the Penobscot Nation, for whom subsistence fishing is an important part of their culture.

Mercury is dangerous not only to people—and particularly children—but also to wildlife. Let me cite one study conducted by researchers in my own State. The Biodiversity Research Institute in Falmouth, ME, found that mercury concentration in loon eggs increased from Western to Eastern United States. They found that mercury concentration in loon eggs in Maine was dangerously—nearly four times—higher than those found in Alaska where there is not the exposure to mercury from powerplants that we experience in Maine due to the prevailing winds.

Despite the overwhelming hazards of mercury pollution and the fact that coal-fired powerplants are the single largest source of mercury emissions in our country, the EPA inexplicably decided to remove powerplants from the list of mercury sources that must be regulated under the strictest provisions of the Clean Air Act. Instead, the EPA rule would regulate mercury emissions under a much weaker cap-and-trade program and would give the industry an extra decade to meet even this weaker emissions level. If this rule is allowed to go into effect, powerplants will be free to continue spewing unlimited amounts of toxic mercury into our air until the year 2018.

Both the EPA inspector general and the GAO have severely criticized the EPA rule. The IG found that the EPA conducted analyses in order to justify a predetermined conclusion, did not adequately analyze the impact of this rule on the health of our children, and the EPA was found by the inspector general not to have conducted the appropriate cost-benefit analysis of regulatory alternatives. The GAO found that their cost-effective mercury controls would make it possible to achieve far greater mercury emissions reductions than the EPA rule calls for.

I call on our colleagues to join me—Senator LEAHY, Senator JEFFORDS, Senator SNOWE, and many others—in sending this flawed rule back to the drawing board. EPA's mercury rule is not based on sound science. It does not employ the proper cost-benefit analysis. It will harm human health and the health of our environment, and it simply should not be allowed to go into effect. Our resolution, the Leahy-Collins resolution, would give the EPA the chance to fix these flaws and come back with a rule that would better protect the American people and our Nation's streams, rivers, lakes, air, and wildlife.

I yield the remainder of my time to the Senator from Vermont.

The PRESIDING OFFICER (Mr. ISAKSON). The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank the distinguished Senator from Maine, my friend and neighbor, for her statement.

I see the other Senator from Maine on the floor. I believe she sought 4 minutes. I yield 4 minutes to the Senator from Maine.

Ms. SNOWE. Mr. President, I thank Senator LEAHY for his leadership, as well as Senator COLLINS and Senator JEFFORDS and so many others in bringing forward this resolution of disapproval.

I am here because I happen to believe that the air in Maine, or any part of this country, should not be for sale to the lowest bidder when it comes to our air. Given that the EPA spent over a decade developing the scientific and technological basis for regulating major sources of mercury—dangerous mercury—I am confounded by the failure of its rule to meet either the letter or the intent of the law.

The proposed EPA rule represents a missed opportunity to incorporate the recent research into the health effects of mercury or the recent technological innovations that significantly reduce the levels of mercury emissions. If enacted, the resolution will suspend the first EPA rule that overturns its own

2000 decision and allows powerplants to be delisted as a source of mercury pollution.

Since 2000, research has determined that mercury pollution is more widespread, its effect more pronounced, and methods to reduce it improved. However, the EPA proposal fails to reflect the severity of the situation and allows a weak cap-and-trade system. Under this cap-and-trade rule, many plants will never have to install controls if they choose to simply buy their way out by purchasing allowances from other plants.

The issue of mercury toxins is beyond dollars and cents. Mercury, contained in coal emitted through smokestacks into the atmosphere as the coal is burned, is transported to the air and carried downward for hundreds and hundreds of miles. It is carried by snow and rain back down to Earth into our communities, onto our streets, and around our schools. Inevitably, these toxins pollute our lakes, rivers, and streams. The mercury is then ingested by the fish and, in turn, consumers who eat fish harvested from these freshwater sources. The growing concentration of the amount of mercury has caused a significant problem, not only for Maine's seafood industry but our Nation's.

The EPA issued an advisory about mercury and seafood sales in our country, and since March 2004 sales of tuna, for example, in America have declined by 10 percent. This has resulted in the revenue loss of more than $150 million to the industry. However, we cannot fault the consumers but, rather, our own failed Government policy.

If EPA had followed the Clean Air Act and retained its 2000 decision, each utility unit would have been required to reduce mercury pollutants by 70 to 90 percent in 2008. I should point out that powerplants are the largest remaining unregulated source of mercury pollution in the United States—accounting for the 90,000 pounds of airborne mercury a year.

EPA's own considerable research on the sources and effects of manmade mercury pollution confirms that mercury emissions are getting worse. To my dismay, the less stringent EPA approach will inevitably fail to protect either the health of our children or Maine's natural resources and the economies that depend on them.

The EPA proposal, at its fundamental level, clearly is delinquent in protecting all Americans equally from the hazards of mercury pollution. Under these guidelines, a powerplant can buy its way out of mercury restrictions and continue to plague the surrounding population. Our commitment to our communities in America should be uniform, and thus our restriction of this neurotoxin should be consistent.

We know for a fact that human ingestion of mercury causes grave neurological damage to young children, infants, and the unborn. Methylmercury is a known neurotoxin and development inhibitor in unborn babies. Children and fetuses are most susceptible because mercury can have a damaging effect on developing brains. Reports tell us that nearly 4.9 million women of childbearing age have elevated levels of mercury and that approximately 630,000 children born each year are at risk from mercury-related learning and developmental problems. I find these figures unacceptable. In fact, we all should.

Neurotoxins are not commodities; neurotoxins are poison. I believe that these pollutants and poisons should not be traded in our society but, rather, should be significantly restricted and reduced. It is our duty to enact such a rule.

I hope we will adopt the mercury resolution of disapproval.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I would like to yield 8 minutes to probably the Senator who knows more about air quality and the Clean Air Act than any of the rest of us, the Senator from Ohio, Mr. VOINOVICH.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. VOINOVICH. Mr. President, I rise in strong opposition to this resolution. This represents a continuing saga that started out in 2001 by those of us from the midwestern part of the United States of America with our respected friends from the northeastern part of the United States. I believe everyone should put what we are doing tonight in context; that is, to be effective, this resolution must be passed by the Senate and House and signed by the President.

While the act provides for expedited and privileged procedures in the Senate, there is no such rule in the House. The House will not consider this. The President announced today, if the resolution is passed, that he would veto it. That is where we are.

On March 15, the EPA finalized the Clean Air Mercury Rule and made the United States the first nation in the world to regulate mercury emissions from existing coal-fired powerplants—the first in the world. Through two phases in a ''cap-and-trade'' program, mercury emissions will be reduced by 70 percent. This is modeled after the Nation's most successful clean air program, the Acid Rain Program. Modeling by the Electric Power Research Institute, an independent nonprofit research organization, shows that the rule will reduce mercury in every State. This is quite amazing, given the nature of mercury.

It is important for my colleagues to understand that all the mercury that is being deposited in the United States doesn't come from the United States. Only 1 percent of the mercury in the world comes from our powerplants in this country. Mercury pollution is a global issue because it travels hundreds of thousands of miles. About 5 percent of worldwide mercury emissions comes from natural sources, such as oceans and volcanoes. From 1990 to 1999, EPA estimates that U.S. emissions of mercury were reduced by nearly a half, which has been completely offset by increases in emissions from Asia.

The fact is that U.S. powerplants account for a small percentage of worldwide emissions, and most of the mercury deposited in our Nation comes from outside the country and natural sources. Still, the administration has decided to lead with the first-ever Federal regulation of powerplant mercury emissions in the world.

By using the Congressional Review Act, the Senator from Vermont and the resolution's supporters are seeking to topple this regulation that has been nearly 15 years in the making—starting in the Clinton administration—and represents one of the most extensive rulemakings ever conducted for a clean air regulation.

The broader intent of the resolution seems to force EPA to impose a very costly and potentially devastating regulation. Several of the sponsors of Senate Joint Resolution 20 have expressed support for maximum available control technology—called a MACT standard—to reduce mercury emissions from every powerplant by 90 percent within 3 years. Proponents of this approach claim that each powerplant should be able to reduce mercury emissions by at least 90 percent. However, this level of reduction is not currently achievable, and no controlled technology vendor can guarantee the performance of mercury removal technology at this or any other specific level in the future.

According to the independent Energy Information Administration, a MACT standard would have a devastating impact on our Nation because coal plants unable to attain it would be forced to fuel-switch away from coal, which is our most abundant and least costly energy source, to natural gas.

Increased reliance on natural gas for electricity generation will add to the already obscene increase in natural gas costs that our businesses and families are exposed to, including those people who live in the northeastern part of the United States. We have the highest natural gas prices in the developed world, and increased costs have diminished our businesses' competitive position in the global marketplace. We don't live in a cocoon; we live in a global marketplace. The chemical industry's eight-decade run as a major exporter ended in 2003 with a $19 billion trade surplus in 1997 becoming a $9.6 billion deficit. These are real jobs.

The impact of a MACT standard has led many groups to express opposition to this resolution, including the American Chemistry Council, American Farm Bureau Federation, Edison Electric Institute, National Mining Association, National Association of Manufacturers, and United Mine Workers of America. It just can't be justified from a cost-benefit point of view.

This is very important. While EPA estimates the cost of its cap-and-trade rule at about $2 billion, EIA has projected costs as high as $358 billion for a 90-percent MACT standard.

The public's return for such a regulation is an average increase in national electricity and natural gas prices by 20 percent and additional reduction in U.S. mercury disposition of 2 percent, an almost immeasurable decline in people's exposure to mercury.

I don't understand why people in this country are so bent on doing the ''perfect,'' when you have something that is good and makes sense from a cost-benefit point of view. Given the state of technology and cost of various proposals, the best way to reduce emissions now is by reducing sulphur dioxide and nitrous oxides and getting cost-benefit reductions. Obtaining reductions cost effectively is very important; otherwise, companies may not be able to move forward with other pollution benefits such as integrated gasification combined cycle.

We are moving ahead with the Energy bill and by reducing SO_X and NO_X we will do more to reduce mercury than any other proposal out there. I hope my colleagues understand what we are talking about tonight. Whatever happens tonight, it is going nowhere because the President has said he will veto this resolution if it passes.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I suppose there are Members who think we are in great shape, the air is clean, no problems whatsoever. The fact is, of course, we have significant mercury in the air that is created in the United States. It tends to occur disproportionately in one part of the United States, the Northeast, making the waters, fish, and air unsafe for children and for pregnant mothers. I will speak more on that as we go along. If this rule would actually help, I would be all for it.

Let's be serious. If we ever wondered what a mercury pollution rule written by the polluters would look like, now we know. This is pretty much it. Some of this rule was copied verbatim, we now find out from some very brave people. It was copied verbatim from the sheets given by the companies most involved in the pollution.

Most Americans have a great deal of trust in the Environmental Protection Agency since it was created during President Nixon's administration. It is very sad, very appalling to see how they have been captured by special interests. It is regrettable the American people and many of their representatives in Congress have been forced to the conclusion that mercury rules have been so mishandled and so co-opted by special interests that this rare effort to override is necessary.

We have a simple choice on mercury pollution. Do we follow the administration and the well-funded special interests who are creating most of the mercury pollution and take several steps backward and thus force the American people to wait at least another decade before cleaning up the toxic mercury spewing out of old powerplants across this country? Do we allow this new rule to allow toxic mercury? So everyone understands what we are talking about, this does not just make the skies darker. This is a substance so harmful that it causes birth defects, IQ loss, and mental retardation. Do we continue to let it poison children and pregnant women, while costing taxpayers billions in health care costs?

Shouldn't we heed the proliferation of warnings our States and the Federal Government have had to give to anglers and women, to the general public, about the consumption of fish—fish caught not from outside our country but in streams and lakes and rivers all across America? Shouldn't that be enough to shame our Government into action?

Should we allow this rule to move forward, the Bush administration's own inspector general says it does not comply with EPA Executive order requirements. Their own inspector general says it does not comply. The Government Accountability Office has said there are major shortcomings in the economic analysis. Or should we uphold the bipartisan work of Republicans and Democrats alike that produced the Clean Air Act, thus protecting the health of pregnant women and children?

The Clean Air Act requires EPA to control each powerplant emission by 2008 at the latest. That is the law of the land. Anything less is more pollution. Instead, the administration has turned the Clean Air Act on its head. And this notwithstanding the two previous administrations, Republican and Democrat, that sought to enforce it.

Now they have revoked an earlier EPA finding that is necessary and appropriate to require these powerplants apply technology to reduce mercury emissions. By revoking the earlier EPA finding and deciding instead to coddle the biggest mercury polluters, the administration is saying it is no longer necessary or appropriate to adequately control mercury emissions. It is an audacious disregard for the health of the American people.

Let's do the rule over. Let's get it right. Look what we have. EPA rules are in orange on the chart and do not meet the clean air requirements. The Clean Air Act is in blue on the chart. That shows how badly they miss it.

This rule is going to allow more mercury into our environment than even the current law. If we leave the current law alone, there would be less mercury in our environment. Instead, the rule gives more pollution for longer than the Clean Air Act allows.

The rule is all the more shameful because of the health damage. EPA's own estimate of the number of newborns at risk of elevated mercury exposure has doubled to 630,000. They also found that one in six pregnant women has mercury levels in her blood above the EPA-safe threshold. I love to have people stand up and say we are family friendly around here. Family friendly with 630,000 newborns at risk? One in six pregnant women at risk, that is family friendly?

Also, mercury emissions contaminate 10 million acres of lakes and 400,000 miles of streams, which triggers advisories in 45 States warning America's 41 million recreational anglers the fish they catch may not be safe to eat.

One reason the administration has such a lack of candor is the fact we discovered this rule has the polluting industries' fingerprints all over it. Their first proposal for these rules lifted exact text provided by the utility industry lobbyists. Of course, when the lobbyists are shut in and the public is shut out, when the scientific and economic analysis was manipulated and where the public's health was ignored, we get a rule like this.

The Bush administration's own inspector general and the Government Accountability Office criticized almost every aspect of how EPA drafted this rule. Their recommendations to improve it were ignored. So were more than 680,000 public comments, a record for EPA. They produce a rule that will do nothing for at least a decade.

They punted, and in the meantime, the grandfathered powerplants keep putting mercury into our water, into our fish, putting a generation of women at risk. We tell them their health is not important. We are told it is not a family value to put another generation of young kids at risk of learning disabilities. That is what the mercury rules do.

People in the United States will watch what we do in the Senate, how we vote. Will we side with the American people or the big polluters?

The administration's mercury rule is a danger to America's women and children. It is time to do it over and do it right. Listen to the Bush administration's own inspector general. Do it right. I hope we do go with the motion to proceed.

The distinguished Senator from New Jersey is in the Senate and was seeking 2 minutes. I yield 2 minutes to the distinguished Senator from New Jersey.

I am sorry, I withhold.

Mr. INHOFE. Let him go ahead.

Mr. LEAHY. I yield 2 minutes to the distinguished Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, the time is short but certainly the alarm is real.

As I look at this, I am bewildered. I have three daughters. I have been fortunate enough to have 10 grandchildren. I have one son. The most precious assets I have in this world are these 10 little kids. I cannot believe that any Member here, in a face-to-face discussion, would say, We have to protect the ability of the coal powerplant

to continue to emit more mercury into the atmosphere. I cannot believe anyone would take that as a fair exchange. Would you rather make sure our coal-fired powerplants have the right to increase the emissions of mercury or would you rather know that this child who may be in utero has a lesser chance of being affected by the scourge of mercury?

Stated in a publication put out by the National Education Association, small doses of mercury can impair the brain and the developing nervous system. Infants who appear normal during the first few months of life may later display subtle effects, shorter attention span, poorer motor skills, slow language development, problems with visual-spatial ability such as drawing and memory. These children will likely need extra help to keep up in school, possibly remedial classes or special education.

I hope all of our colleagues, who I know feel as strongly about the protection of our people as I do, but for goodness sake, do not ignore those protections by saying we have to make sure that the powerplants do not have to do their part and reduce the emission of more mercury.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I yield 5 minutes to the Senator from Missouri, Senator BOND.

Mr. BOND. Mr. President, I thank the chairman of our committee.

I rise to ask my colleagues in the Senate to think about raising energy costs on American families and workers when we are suffering a significant energy problem. The American people already are struggling with high gasoline prices. The natural gas prices are going to go even higher. Winter is approaching, with heating bills regrettably expected to go through the roof.

This, in my view, is no time to hit our families with even more energy price hikes. To borrow a slogan from the other side, those are not family friendly.

Supporters of using the Congressional Review Act to overturn EPA's new mercury regulation will not mention the higher energy costs they will bring. The problem is, voting for this motion requires an impossible solution. The technology does not exist to accomplish what proponents want. They want to reduce mercury from coal emissions by 90 percent. The administration wants to reduce it by 70 percent. If I had a magic wand, I would be happy to wave it and support a 90-percent reduction. But I don't. And the hard-working workers and vulnerable families in Missouri and all the other States represented here would not be able to take the higher costs that would come with this.

Sponsors claim the technology exists and is used in Europe. But they might not mention the technology is used on municipal waste. The last time I checked, orange peels and coffee grinds were a little different from coal. Sponsors may say the technology is starting to be pilot tested in the United States. What they are testing it on is Eastern coal, Appalachian coal, not Western coal, which is a different chemical makeup. It may still seem like coal to you and me, but it makes extracting tiny amounts of mercury very difficult. Western coal is used overwhelmingly in Missouri, and many of our Western States do not respond to the same technologies pursued by the motion's sponsors.

Therefore, generators serving my State of Missouri and many other Western coal States would be forced to shut down their coal plants and switch to natural gas to make electricity.

Natural gas prices are three times what they were just a few years ago. Using it to make electricity, one Nobel laureate scientist said, is like burning your antique furniture in your fireplace to heat your home.

Manufacturers and employers who depend upon natural gas for a raw material are outsourcing their operations to China and other low-cost natural gas areas. That means Missouri workers and workers in States of my colleagues who make plastics, automobiles, chemicals, and metals will be losing jobs. Do we want to see even more workers hurt?

Farmers everywhere are already facing high prices for natural-gas-dependent fertilizer. Terrible drought has struck the Midwest's corn and soybean crops. On top of this, the Midwestern barge traffic is crippled by Hurricane Katrina. Do we want to put more burden on the agricultural sector?

Fixed-income seniors have little room in their monthly expenses for higher air-conditioning, power, and heating bills. Do we want to hurt these seniors even more?

Our low-income breadwinners must drive long distances from rural or urban low-cost housing to get to their good-paying jobs. Their gasoline bills have imposed a heavy tax. Do we want to hurt these vulnerable families more?

We all deserve clean air. We need waters free from contamination. We must have food safety. That is why this President imposed the first mercury emissions cuts in our Nation's history. The last administration had to be sued to take action on mercury. Now President Bush is requiring mercury cuts—70 percent cuts for acid-rain-causing sulfur dioxide, 70 percent for smog-causing nitrogen oxides, and 70 percent for mercury.

Under the President's Clear Skies plan imposed by regulation, nearly every American city will return to clean and healthy air. They will achieve Federal air quality standards without having to impose their own State or local regulations, killing jobs and hassling citizens.

We all care about the environment. Together, by defeating this motion, we can protect the environment, protect family budgets, and protect workers' jobs.

I urge my colleagues to vote no on the underlying resolution. We do not need to disapprove this regulation that would move our environmental cause significantly forward.

I yield the floor.

Mr. FEINGOLD, Mr. President, mercury contamination is a critical environmental health issue. This is why I could not be more disappointed about the Environmental Protection Agency's so-called ''Utility Mercury Reductions Rule'' which was finalized in March of this year. The rule jeopardizes the health of our citizens, which is why I have cosponsored Senate Joint Resolution 20, a resolution that disapproves of the Administration's fatally flawed mercury rule. I will include for the RECORD a letter signed by 15 States, including Wisconsin, which urges passage of S.J. Res. 20.

The need for stringent mercury controls has never been more urgent. We know that mercury is a neurotoxin and that mercury exposure can cause a wide range of neurological problems and developmental delays. EPA's own scientists have discovered that twice as many American children are born at risk from mercury exposure than previously thought and the EPA has reported that 1 out of every 6 women of child-bearing age has so much mercury in her blood that it poses a risk to a developing fetus. These risks should not be overlooked. We are talking about the increased potential for developmental delays, lowered IQ, and attention and memory problems, as well as learning disabilities. In addition to the obvious and enormous emotional and psychological toll of such problems, a recently released peer-reviewed Mount Sinai School of Medicine study found that mercury-related brain development problems in children cost the United States more than $2 billion annually. Despite the well-documented health risks posed by mercury emissions, especially to women and children, the administration has moved forward with this flawed rule.

Thirteen million acres of lakes and 760,000 miles of rivers across the country have been contaminated by mercury emissions. In fact, in an attempt to protect their citizens, 45 States across the country have issued fish consumption advisories related to mercury. Anglers are warned against eating the very fish they catch because of widespread mercury contamination. Sadly, every one of the 15,057 lakes in my home State of Wisconsin is under a mercury-related warning, so I understand this problem all too well. And even if Wisconsinites didn't eat the fish they caught inside our State, many of them would still be at risk, according to EPA and Food and Drug Administration warnings, if they decided to consume saltwater species like tuna, shellfish, or swordfish. Given the situation in Wisconsin, I was not surprised when the State joined nine other States earlier this year in a lawsuit to force the

administration to scrap the mercury emissions rule. And still, even in the face of widespread mercury contamination of our streams, rivers, lakes, and even oceans, and outcry from many States, the administration refused to reconsider.

Unless Congress acts to disapprove the administration's rule, reduction in the amount of mercury emitted will be substantially delayed. Under the Clean Air Act, utilities are required to use the maximum available control technology to reduce mercury emissions by 2008. The rule we debate today—and that I hope we void—would turn that clock back by 10 years to 2018 and then wouldn't even achieve a target reduction of 70 percent. A 70 percent reduction would not be met until 12 years later. Clean air and water are critical to every individual's health and we cannot put off meeting our original deadline. Cost effective pollution control technology exists to limit mercury emissions and companies are already moving forward on installing such equipment. We should encourage this innovation and move forward to quickly reduce the health risks we know to be associated with this neurotoxin.

The administration's final mercury rule, with its cap and trade emissions proposal, also falls far short of what the Clean Air Act requires to protect people all across the country. This is in part because, as noted by a National Academy of Sciences study, ''hot spots'' of mercury are the inevitable result of such a cap and trade program. Companies wouldn't be required to control emissions at their source and could instead simply buy their way out of compliance. Although trading programs may work with other pollutants, it will not work with mercury. This flawed approach will lead to highly toxic areas peppered throughout each state instead of across-the-board emissions reduction at each site.

I am not only disturbed by the substance of the EPA's mercury rule but also by investigations that have determined that the process by which the rule was drafted was badly flawed and by the failure of EPA to consider all available data. First, in conducting its investigation of the mercury rule making process and prior to finalization of the rule, the EPA's Inspector General reported the rule's development was ''compromised and, therefore, may not represent the lowest emissions level that could be achieved.'' Second, and before the rule was finalized, the Governmental Accountability Office issued a report that severely criticized the EPA's rulemaking process, finding that it violated the Agency's own policy, as well as OMB guidance and presidential executive orders. Finally, the EPA chose to ignore a Harvard study, which had been commissioned by the EPA, that demonstrated substantial public health benefits to a more stringent mercury rule. Taken together, the three process problems are unacceptable and cause for serious concern. Discouragingly, even in the face of these reports and data, the administration forged ahead with its flawed rule.

Senate Joint Resolution 20 is the first step in protecting our citizens and the environment from the harm we know follows from mercury emissions. I am saddened that we must take this step, but I hope that we can quickly reverse the administration's rule. Swift action by this body and the House will reassure Americans that we are acting with their well-being in mind, and I urge all of my colleagues to support this important resolution.

I ask unanimous consent to print the letter to which I referred in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ATTORNEYS GENERAL AND CHIEF ENVIRONMENTAL OFFICERS FOR THE STATES OF NEW JERSEY, CALIFORNIA, CONNECTICUT, DELAWARE, ILLINOIS, MAINE, MASSACHUSETTS, MINNESOTA, NEW HAMPSHIRE, NEW MEXICO, NEW YORK, PENNSYLVANIA, RHODE ISLAND, VERMONT, WISCONSIN,

September 8, 2005.

DEAR SENATOR: As chief legal and/or environmental enforcement officers for our states, we are writing to express our grave concerns about the Environmental Protection Agency (''EPA'') rulemaking regarding mercury emissions from power plants. We urge you to support a bi-partisan joint resolution sponsored by Senators Patrick Leahy and Susan Collins under the Congressional Review Act (S.J. Res. 20), disapproving EPA's attempt to exempt power plants from the stringent control requirements of the hazardous air pollutants section of the Clean Air Act.

In our view, the mercury rules fail to adequately protect the public from harmful mercury emissions from coal-fired power plants, which threaten the health of our nation's children. Significantly, the rules fail to meet the minimum requirements of the Clean Air Act at a time when the threat posed by mercury to public health and the environment is clear. Mercury pollution in our waterways has forced states to issue fish advisories covering more than 13 million acres of our lakes, and 760,000 miles of our rivers. The scope of mercury exposure has led scientists to estimate that up to 600,000 children may be born annually in the United States with neurological problems. These problems require swift and effective regulatory action to limit mercury emissions in the United States.

Section 112 of the Clean Air Act provides the framework for such regulatory action by requiring the maximum achievable level of pollution control on the sources of hazardous air pollutants such as mercury in an expeditious time frame. Unfortunately, EPA's recent rules regulating mercury seek to exempt the single largest U.S. source of mercury, coal-fired power plants from the requirements of section 112. Instead, EPA has promulgated rules that will allow many power plants to avoid any reductions in their mercury emissions, and will prolong the problem of ''hot spots'' of mercury contamination throughout our nation. The new rules would do little to reduce mercury emissions for decades leaving our most vulnerable citizens, our children, at risk.

The Leahy-Collins resolution is an opportunity for Congress to protect our children and environment by rejecting EPA's attempt to exempt power plants, and their estimated 48 tons of annual mercury emissions, from the clear requirements of the Clean Air Act. EPA's failure to address the threat of mercury as required by the Clean Air Act has forced our states to challenge the new rules in court. In light of the mounting impacts of mercury emissions on public health and the environment, EPA's failure also compels us to request immediate Congressional action on this critical issue. We strongly urge you to vote in support of the Leahy-Collins resolution to require EPA to establish clean air standards that comply with the law and protect public health.

Respectfully submitted,

Peter C. Harvey, Attorney General, for the State of New Jersey, and on behalf of the State of California: Bill Lockyer, Attorney General; the State of Connecticut: Richard Blumenthal, Attorney General; the State of Delaware: M. Jane Brady, Attorney General; the State of Illinois: Lisa Madigan, Attorney General; the State of Maine: G. Steven Rowe, Attorney General; the Commonwealth of Massachusetts: Thomas F. Reilly, Attorney General; the State of Minnesota: Mike Hatch, Attorney General; the State of New Hampshire: Kelly A. Ayotte, Attorney General; the State of New Mexico: Patricia A. Madrid, Attorney General; the State of New York: Eliot Spitzer, Attorney General; the Commonwealth of Pennsylvania: Department of Environmental Protection, Susan Shinkman, Chief Counsel; the State of Rhode Island: Patrick Lynch, Attorney General; the State of Vermont: William H. Sorrell, Attorney General; the State of Wisconsin: Peggy A. Lautenschlager, Attorney General.

Mr. CORZINE. Mr. President, I rise today to express my outrage that my colleagues and I have to fend off yet another attack on the environment by the Bush administration. I am appalled that instead of taking steps toward improving air quality by implementing stricter CAFE standards, reducing greenhouse gas emissions, and other positive measures, the Bush rule takes a giant step backward.

Indeed, the mercury rule put forth by the Bush administration takes American environmental policy back at least 5 years. In 2000, the Environmental Protection Agency determined that powerplants must be regulated under the Clean Air Act because they are the largest remaining sources of mercury pollution and are, therefore, a public health risk. Up until the spring of 2003, EPA was working toward finalizing an effective regulatory policy to reduce mercury emissions from powerplants by over 90 percent beginning in 2008. But in 2003, the Bush administration reversed course by developing this new rule that exempts powerplants from any regulation under the Clean Air Act. Bowing to industry pressure, the Bush rule will do nothing to reduce emissions for at least a decade and once implemented, will only reduce mercury emissions to approximately one-third of what the Clean Air Act requires. This decision is irresponsible in light of all of the evidence about the dangers of mercury emissions. Mr. President, mercury emissions are continuing to grow and are endangering

the health of American families across the country.

I am proud to say that my State, New Jersey, has taken the helm on reducing its own instate emissions. Last year, New Jersey adopted stringent rules on mercury emissions from coal-fired powerplants, iron and steel melters, and municipal solid waste incinerators. New Jersey's rules set the goal of reducing emissions from instate coal-fired plants by 90 percent by the year 2007. By taking this hard line on mercury, my State will reduce its mercury emissions by over 1,500 pounds of mercury each year.

While New Jersey has implemented this aggressive strategy in the fight to protect the public from mercury exposure, the new Bush administration rule undermines these efforts. More than one-third of mercury deposition in New Jersey comes from out-of-state sources. Instead of allowing more mercury emissions from coal-fired plants, shouldn't the Federal Government be strengthening its laws by requiring States to adopt strict rules similar to New Jersey's? Instead, it is removing powerplants from the list of pollution sources subject to stringent pollution controls under the Federal Clean Air Act. Why does the administration want to undercut States, such as New Jersey, that are making the right decision?

Thankfully, New Jersey has not backed down, and stands by its goal to reduce mercury emissions. In fact, New Jersey spearheaded a multistate lawsuit challenging the EPA's rule delisting powerplants as a source of mercury pollution. Fourteen States have joined New Jersey's challenge to this rule because it violates the Clean Air Act and fails to protect the public adequately from the harmful mercury emissions from coal-fired powerplants.

The health effects of mercury are no secret. Mercury is a known neurotoxin that can cause severe neurological and developmental problems. Developing fetuses and children are the most vulnerable to the effects of mercury contamination. The threat is so severe that the National Academy of Sciences recommends that pregnant and nursing mothers not eat more than 6 ounces of fish per month. Even by EPA's own estimates, more than 600,000 infants are born each year with blood mercury levels higher than 5.8 parts per billion, the EPA level of concern. That is 600,000 children who are at risk of harmful impacts on cognitive thinking, memory, attention, language, and fine motor and visual spatial skills. Some studies indicate that mercury could even be linked to the skyrocketing number of autism cases across the country.

The numbers continue to astonish. Fish from waters in 45 of our 50 States have been declared unsafe to eat as a result of poisoning from mercury. In New Jersey alone, there are mercury consumption advisories for at least one species of fish in almost every body of water in the State.

Knowing these health risks, we cannot be complacent about this new rule. How can we sit back and let powerplants, the Nation's worst mercury polluters, reduce their mercury emissions by such a drastically different rate than what the Clean Air Act requires? This is morally repugnant, irresponsible and just plain wrong.

We have the technology to control mercury emissions—that is not the problem. The problem is that industry does not want to be accountable for the costs of polluting, and the Bush administration is letting them get away with that. Instead, the public will incur the health costs of not reducing emissions. Once again, it is clear that the administration has no problem letting big industry off the hook at the expense of the public's health.

The science is behind us and the technology available to reduce human exposure to mercury. We cannot retreat; we must move forward and protect our Nation's children. I urge my colleagues to support the resolution.

Mrs. BOXER. Mr. President, just over 5 short months ago, the Bush administration finalized a rule that weakens and delays required controls on emissions of mercury from coal- and oil-fired powerplants. We should overturn this rule today.

This vote presents a clear choice: does the United States Senate support protecting the health of millions of children in our nation, or does it support protecting the profits of industries that emit mercury, which poisons our children and environment?

The Bush administration supports the interests of polluting industries. The administration's rule saves the electric industry money, but at a severe cost to public health. The administration has—once again—used the Federal Environmental Protection Agency to protect polluters.

Mercury is a potent poison. Studies show that it may damage the human cardiovascular, endocrine, immune, and respiratory systems. It also harms the nervous systems of developing fetuses. Low levels of mercury exposure in utero can damage a fetus's brain and create long-term injuries, including learning disabilities, poor academic performance, and reduced capacity to do everyday activities like drawing and learning to speak.

Up to 637,000 children are born each year having already been exposed to levels of mercury associated with brain damage.

Just last week, on Sept. 8, 2005, the Center for Children's Health and the Environment, located at Mount Sinai Medical Center, found that more than 1,500 babies suffer from metal retardation due to mercury exposure in utero. In addition to the life-long personal impacts, the study found that the nation loses $2 billion annually from such injuries.

Forty-five States warn people to reduce or avoid consumption of fish from waterbodies that contain mercury due to the risk associated with eating these fish. Mercury levels become concentrated in some fish, reaching more than one million times the level of mercury in the water.

Where does this mercury come from? Powerplants are the single largest source of U.S. emissions of mercury, accounting for 44 percent of all such emissions. These powerplants emit 30 percent of the mercury that currently pollutes U.S. waters. Fish contaminated with mercury is the main source of exposure for people in our nation.

The Clean Air Act requires reductions in mercury emissions that are crucial to protect public health. But, the Bush administration has decided to ignore the law.

EPA's rule on coal- and oil-fired powerplants implements slower and weaker requirements than under the Clean Air Act. This ill-advised rule delays reductions for 10 years and allows higher emissions of mercury, compared to the Clean Air Act's requirements. EPA's projected reductions in emissions under the rule do not meet the reductions required by the Clean Air Act. And, in fact, this chart shows the reductions do not even meet what the rule itself calls for.

Why did the EPA get it so wrong?

Well, for starters, EPA used language from utility-industry lawyers—almost word for word—to create the rule.

On September 22, 2004, the Washington Posted reported that:

> For the third time, environmental advocates discovered passages in the Bush administration's proposal for regulating mercury pollution from power plants that mirror almost word for word portions of memos written by a law firm representing coal-fired power plants. . . . The EPA used nearly identical language in its rule, changing just eight words. In a separate section, the agency used the same italics [the law firm] used in their memo . . .

Let me repeat the last part. The industry memo and the rule that EPA proposed even used the same italics.

What else did EPA do wrong?

The EPA's own inspector general found that senior EPA officials told career EPA staff to produce a rule that allowed 34 tons of annual mercury emissions, rather than to produce a rule that complied with the law.

Let me quote from a 2005 EPA inspector general report that examined EPA's mercury rule:

> Evidence indicates that EPA senior management instructed EPA staff to develop a Maximum Achievable Control Technology (MACT) standard for mercury that would result in national emissions of 34 tons annually, instead of basing the standard on an unbiased determination of what the top performing units were achieving in practice.

Again, this bears repeating: Senior EPA officials rigged the rulemaking to allow the power industry to emit a heavy metal that can poison children.

But, it doesn't end there.

Both EPA's inspector general and Congress's Government Accountability Office found that EPA failed to assess all of the public health benefits of reducing mercury. EPA ignored demands

from its own Children's Health Protection Advisory Committee and other public health groups to asses such injuries.

Let me quote from a January 4, 2005 letter that the Advisory Committee wrote to the EPA:

> While we are pleased to see that EPA is considering additional external analyses, we note that EPA has not conducted the analysis recommended by [the Children's Health Protection Advisory Committee] . . . Specially, we asked the Agency to develop 'an integrated analysis with respect to whether emissions reductions under either of these proposals are the most child-protective, timely, and cost-effective,' using existing available data. . . . The [Children's Health Protection Advisory Committee] notes that none of the [EPA's] Principle questions for consideration [of the rule] addresses the importance of healthy child development in assessing a country's economic competitiveness.

The Advisory Committee wrote four letters admonishing the EPA to conduct the needed analysis and increase protections for children.

Did EPA listen? No. EPA unlawfully allowed industry to emit poison, and then turned a blind eye to the injuries suffered by the children who will be hurt most from this decision.

In this rule, EPA chose not to require coal and oil-fired powerplants to make the same types of reductions that medical and municipal waste incinerators have made. These facilities, which emit mercury, have reduced their emissions by 90 percent using the maximum achievable control technologies.

EPA got it wrong by cooking the books, using industry-supplied language, willfully ignoring the most severe public health impacts, and simply refusing to make powerful industries comply with the same rules as other entities.

We must reject EPA's rule to delist these facilities as emitters of hazardous air pollutants. The Senate must join with the religious community, public health advocates, fishermen and hunters, environmental groups and more than a dozen states in opposing this rule.

We must vote to protect public health, not the profits of the power industry.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

Mr. KERRY. Mr. President, I regret having to miss the vote on the Collins-Leahy mercury resolution on the floor today; however, I am in Louisiana delivering supplies to the victims of Hurricane Katrina. It is my understanding that my absence will not affect the outcome of this vote.

The scientific evidence regarding the role that mercury contamination plays in public health and the environment speaks to the importance of this issue. Mercury is a potent neurotoxin harmful to fetuses' and infants' nervous systems. Frighteningly, one in six women of childbearing age in the United States carries enough accumulated mercury in her body to pose risks of adverse health effects to her children should she become pregnant. But it doesn't end there. A recent study found links between mercury and childhood developmental disabilities such as autism. Forty-five States have fish advisories for mercury warning pregnant women and children to limit their consumption of many fish caught in freshwater. And researchers have warned that mercury is associated with cardiovascular disease in adult men.

Facing this threat to the environment and our public health, the Bush EPA has failed. Whether through effort or error, it has repeatedly taken its lead from regulated industries, overlooked sound science, and put the demands of the special interest ahead of the public interest. EPA has indefensibly purported to overturn its obligation under the Clean Air Act to adopt far more protective mercury regulations by 2008. Simultaneously the Agency has substituted far weaker measures that do not require any specific mercury reductions before 2018, and even then delay the ultimate reductions for an additional decade.

As Members of the Senate, we have a unique opportunity under the Congressional Review Act to send the mercury powerplant rule back to the EPA for a thorough review. Only through a new rulemaking can we hope to develop a scientifically sound proposal that will protect the public health, protect the economy and give the public any confidence in the regulatory process.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I will use leader time, not to use the remaining time Senator LEAHY has.

The PRESIDING OFFICER. The Senator has that right.

Mr. REID. Mr. President, we do not have a lot of rivers in Nevada. We have very few. The little river we love a great deal is called the Carson River. It is a wonderful place to fly fish. But there are signs posted in various places on the Carson River warning of the danger of mercury.

Mercury in Nevada is a problem, as it is in 44 other States. Forty-four States, including Nevada, have warnings urging residents to avoid eating mercury-laden fish caught in lakes, rivers, and streams.

I first want to thank Senators LEAHY and COLLINS for bringing the mercury pollution rule resolution of disapproval to the floor today.

Mercury is a potent neurotoxin that can affect the brain, heart, and immune system. Developing fetuses and children are especially at risk, and even low-level exposure to mercury can cause learning disabilities, developmental delays, and other problems.

Mercury's impact on public health has been well documented. EPA scientists estimate that one in six pregnant women in the United States has enough mercury in her body to put her child at risk. That is too bad.

The Food and Drug Administration has recommended that children and women of childbearing age eat no more than two meals of fish per week and to avoid eating certain fish altogether.

Powerplants are the largest emitter of mercury in the United States, emitting over 40 percent of the total mercury emissions.

On March 29, 2005, the Bush administration issued the final rules that give powerplants a pass on mercury emissions for years, delaying modest reductions until the year 2018.

Every time I hear the Clear Skies Initiative, it reminds me of the book ''1984.'' That is Orwellian. That legislation does everything except clean the air. The American people want air they can breathe that is safe. They want water they can drink. Delaying these reductions until 2018 does not do that.

Earlier this year, the EPA Inspector General and the Government Accountability Office found that the EPA failed to analyze the health impact and ignored scientific evidence to establish a predetermined and less protective mercury rule favored by the Bush administration political appointees.

This is not some partisan harangue. This is from the Inspector General of the Environmental Protection Agency and the Government Accountability Office, the watchdog of this body, the Congress.

Ten States have filed lawsuits against the EPA saying the rules certainly do not go far enough. In addition, thousands of sportsmen's groups—thousands of sportsmen's groups—public health groups, environmental groups, and religious organizations oppose the Bush administration mercury rule.

EPA rules that allow mercury emissions to continue are a danger to public health. This great Nation cannot compromise health simply to protect the financial interests of utilities. That is why we should reject the administration's mercury rules and send the EPA back to the drawing board to write a rule that complies with the law and protects our health.

So I strongly urge my colleagues to vote for the Leahy-Collins mercury rule disapproval resolution. Forty-four States have warnings urging residents to avoid eating mercury-laden fish caught in their rivers, lakes, and streams. Mr. President, that says it all.

The PRESIDING OFFICER. The Senator yields back.

The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I see the Senator from Delaware is in the Chamber. If he would like to go ahead, it would be acceptable.

Mr. LEAHY. Mr. President, how much time is still available to the Senator from Vermont?

The PRESIDING OFFICER. The Senator from Vermont has 3 minutes. The Senator from Oklahoma has 15 minutes.

Mr. LEAHY. Mr. President, I yield 3 minutes to the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. I thank my colleague.

Mr. President, others have spoken this evening of the health threat that is posed to our young, the unborn, and to pregnant women. I am not going to belabor those points. They have been well made.

Senator REID mentioned there is a river in his State where you can't eat the fish because of the mercury content. Ironically, last Friday, I was on a river that literally flows through Wilmington, DE. If you ever come up I–95, through Wilmington, up on the train through Wilmington in the Northeast Corridor, you go right by the Christina River. I was out on the Christina River this last weekend with one of our former Governors, Russell Peterson. You can't eat the fish, or at least you shouldn't eat the fish in the Christina River. There are several other rivers in my State which have a similar ban in effect. One of the problems with the fish is they have mercury in them.

One of the problems with the rule the President has suggested, a strict cap-and-trade approach with respect to mercury—the problem I have, the concern I have is, let's say you have a high mercury-emitting powerplant here, and you have a lower one here. If the folks who have the higher emitting plant want to continue to emit a lot of mercury, they can do that under the strict cap-and-trade approach. They can say: We will find a way in another part of the country to reduce mercury emissions and use that to trade off the high-emitting utility.

The problem, for me at least, with a strict cap-and-trade approach is mercury hot spots. Cap and trade is fine, but I think we would be much smarter to have an approach that almost every utility—which is burning whatever fuel it is, coal or some other, to create electricity—that almost everybody would have to reduce to some extent their mercury emissions.

Is it technically feasible? As it turns out, it is. We had in our committee about 2 years ago testimony from companies such as WL Gore that they have the ability to reduce mercury emissions by 40, 50, 60, 70 percent. I just learned from my staff there is an outfit, a Colorado-based company, ADA Environmental, that has been awarded contracts to install new mercury-control technologies in two powerplants being built in the Midwest. I think they are looking for mercury emission reductions by as much as 80 percent.

This is not something we will only be able to do in 2018 or 2017 or 2016. These are emission reductions that are achievable in the next couple of years. It is all well and good we want to reduce emissions in 2018 by 70 percent. We can do better than that. We ought to do better than that.

There is a balance that is achievable. The balance involves reducing the level of mercury emissions and at the same time not causing further spikes in the price of natural gas. We can do both, and we need to do both.

The rule this administration submitted to us and has promulgated does not do both. We can do better than that. My hope is in our committee we will be able to do that before long.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Oklahoma.

Mr. INHOFE. Thank you, Mr. President.

First, let me advise everyone where we are right now. We will be having a vote at the conclusion of my remarks on the motion to proceed. Tomorrow there will be actually a vote on the resolution. And tomorrow is the significant vote. There has been a lot of talk about today's motion, but tomorrow's is very significant.

I have to say it appears to me this is highly politically charged, that we would be talking about this at this time. Of course, we have the confirmation of a Supreme Court Justice, as the Senator from Vermont knows. He is very diligently involved in that confirmation process. We have the catastrophe down in Alabama and Mississippi and Louisiana. Yet we are taking time to do this.

I have to ask the question, Is there anyone in this Chamber who believes the President would sign legislation to repeal his own administration's rule? As the Senator from Ohio pointed out, the President has already announced he is going to veto this resolution in the event it passes. So we are not really accomplishing anything.

I have to say, this is hardly the time to discuss overturning an existing clean air regulation that relies on an approach that is proven to be effective. There were sceptics back when acid rain came along as to the cap-and-trade procedure. It has worked; we know that.

Let's look at the economics for a minute. No one has talked about that.

This resolution is intended to force the Environmental Protection Agency to impose a very costly and potentially devastating regulation in place of the existing Clean Air Mercury Rule, which relies on an already well-proven market-based approach, as I just mentioned. The current EPA approach will cut mercury emissions by 70 percent—70 percent—at an estimated cost of $2 billion. Supporters of this resolution prefer a maximum achievable control technology—MACT—standard which is not nearly as cost effective.

Supporters also want the MACT standard to cut mercury by 90 percent. The independent Energy Information Administration has found that the implementation of a 90-percent MACT standard within 3 years would cost up to $358 billion. I did not say ''million,'' I said ''billion.''

The additional $356 billion of the MACT—which is much more than the current rule will cost—is projected to only reduce mercury deposition in the United States by about 2 percent more than the current regulation. As we can see from the chart that is behind us, 22-percent higher electricity prices and costs would be $358 billion.

A 90-percent MACT would have devastating consequences on natural gas supplies which are already in a crisis. According to the EIA, the Energy Information Administration, it could increase by 10 percent the natural gas used by utilities that are forced to fuel switch. The Senator from Ohio talked about the fact they would have to switch from coal to natural gas. I think everyone understands that would happen.

This would also cripple industries that rely on natural gas, such as the chemical industry, which has already lost 90,000 jobs since the year 2000 due in large part to the rising cost of natural gas. We have talked about that on the Senate floor. We discussed that in our committee, the EPW Committee.

This last weekend I was in Lawton, Altus, and Frederick, OK. That is in the far southwestern part of the State. The farmers down there have received through their organizations what would be the increased cost of fertilizer. One of the main components of fertilizer is natural gas. They really cannot take any more hits. So it goes far beyond just the chemical industry.

The most effective, most flexible, and least burdensome way to achieve mercury reduction is to build on the most successful part of the Clean Air Act, the acid rain program. Many Senators resisted the acid rain program, saying there would be hot spots and compliance problems, yet there have been no hot spots and, unlike with most of the Clean Air Act, virtually no enforcement problems. As the senior Senator from Vermont said in 1999:

> When we were debating controls for acid rain, we heard a lot about the enormous cost of eliminating sulfur dioxide. But what we learned from the acid rain program is that when you give industry a financial incentive to clean up its act, they will find the cheapest way of doing it.

I think he was correct. That is exactly what the current rule under which we are operating does, the cap and trade, similar to the successful program that was used in acid rain. Moreover, supporters of the resolution that is under consideration assume the cap and trade mercury rule would be replaced with a 90-percent MACT rule. When the EPA first proposed the cap and trade approach last year, it also proposed a MACT approach. The MACT it proposed as complying with the law would only cut mercury emissions by 29 percent—not 90 percent, 29 percent. Yet here we have a rule that cuts mercury by 70 percent, and it costs less because it uses cap and trade. Why would the sponsors of this resolution want to get only a 29-percent reduction in mercury?

Actual deposition and its variety of sources are rarely discussed. Mercury emissions are not exclusive to powerplants. In fact, U.S. powerplants contribute but 1 percent of the global

total, according to Josef Pacyna of the Norwegian Institute of Air Research, as well as the U.S. Environmental Protection Agency. An enormous amount originates in Asia. More than half of mercury emissions are nationally occurring. Given that statistic, mercury will be present in the human bloodstream regardless of whether powerplants are regulated by a cap and trade emissions reduction program or the more costly but less effective MACT standard—or, for that matter, even if all powerplants and manufacturing facilities in the country were to be shut down altogether.

EPA data shows that eliminating U.S. powerplants from the mercury deposition equation would have virtually no effect on reducing actual deposition. Throughout New England, for example, the range of deposition levels would be unchanged. With or without powerplants, deposition levels are between 10 and 15 micrograms per square meter in the overwhelming majority of the area. Where there is a reduction, the amount is negligible.

These four charts created by the EPA using state-of-the-art computer modeling tell the story. As you can see in chart No. 5, throughout the country mercury deposition from all sources ranges from as low as 5 to 10 micrograms, up to more than 20 micrograms per square meter. The next chart, in contrast, shows that powerplants contribute less than 1 microgram per square meter for most of the country, including virtually the entire United States. Nonetheless, it is true that in most of the East, powerplants are responsible for 1 to 10 micrograms per square meter of the deposition. In a small region of the country, they cause as much as 10 to 20 micrograms. That is why the EPA has issued its regulation.

The next chart, however, is revealing. With the EPA's rule, powerplants will contribute less than 1 microgram in the vast majority of the country and less than 5 micrograms anywhere else. Clearly, the EPA rule is effective. Yet despite the effectiveness of the EPA rule, some are advocating overturning a 70-percent emission reduction in the hopes of eking out a slightly greater reduction of 90 percent.

This last chart, No. 8, completes the story. Even if all powerplants in the country were shut down, mercury deposition would be at least 5 to 10 micrograms; that is, if we shut down all powerplants. All we are addressing now is powerplants, and a lot of people are deceived into thinking that powerplants is where you get your problem with mercury. That is not it. One percent of the total is in powerplants. Even if all powerplants in the country were shut down, mercury deposition would be at least 5 to 10 micrograms. In half the country, it is 10 to 15 micrograms. In a significant portion of the country, it ranges from 15 to more than 20 micrograms.

Look at this chart. Now go back to chart 3. It is incredible that some Senators are willing to roll back EPA's current rule when deposition from powerplants will be negligible compared to other sources. EPA believes we should act now to reduce emissions of mercury from the powerplants so we can achieve the progress you see in chart No. 7. Repealing the section 111 rule would be a step backward in our efforts to regulate mercury emissions from powerplants. It would create enormous uncertainty for the States. Keep in mind that prior to 6 months ago, when the President came out with a cap and trade restriction on mercury, we had no restriction on mercury in powerplants. It was nonexistent. In the absence of the mercury rule, there will be no Federal regulation of mercury from existing powerplants, at least in the foreseeable future. Repealing EPA's rule would roll back the 70-percent reductions required by the agency and eliminate incentives for the development of new mercury-specific control technologies.

It is not appropriate for Congress to address this issue. The very people who claim that EPA acted improperly have asked the DC Circuit Court of Appeals to review the EPA's action to determine if their actions were proper or improper. The court would thoroughly review the legal and factual basis for the EPA's determination. There is no reason for Congress to interfere with this process. Congress can take affirmative action on mercury emissions by passing the Clear Skies legislation.

We went through this. We have been working for 2 years to get the President's Clear Skies legislation passed. Clear Skies legislation mandates a 70-percent reduction in SO_X, NO_X, and in mercury. And for some reason those individuals who claim to be concerned about the environment would rather have no mandated reduction at all. We have the opportunity now to do that. Clear Skies cuts mercury emissions from the power section by 70 percent. The President's Clear Skies legislation is a more effective, long-term mechanism to achieve large scale national reductions of not only mercury but sulfur dioxide and nitrogen oxides. Clear Skies legislation applies nationwide and is modeled on the highly successful acid rain program, a program many people have said was not going to work, was not going to be effective. Yet we all now realize it was effective.

We are not talking about just mercury. We are talking about sulfur dioxide, nitrogen oxide. I believe it would be totally irresponsible to somehow roll back the first attempt that we have to regulate mercury in powerplants. Keep in mind, prior to 6 months ago, it was not regulated at all. That is what this is all about.

Tonight is a vote on the motion to proceed. I don't care about the motion to proceed. Let's go ahead and vote in favor of that. Tomorrow is the main vote. That is a significant vote. I think we need to proceed to that vote tomorrow.

I yield back the remainder of my time.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. All time having been yielded back, morning business is closed.

DISAPPROVING A RULE PROMULGATED BY THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY—MOTION TO PROCEED

Mr. INHOFE. Mr. President, I move that the Senate proceed to the consideration of S.J. Res. 20.

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to a vote on the motion to proceed to S.J. Res. 20 which the clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 20) disapproving a rule promulgated by the Administrator of the Environmental Protection Agency to delist coal and oil-direct utility units from the source category list under the Clean Air Act.

Mr. INHOFE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion to proceed. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Montana (Mr. BURNS), the Senator from Georgia (Mr. CHAMBLISS), the Senator from South Carolina (Mr. DEMINT), the Senator from Florida (Mr. MARTINEZ), and the Senator from Kansas (Mr. ROBERTS).

Further, if present and voting, the Senator from South Carolina (Mr. DEMINT) would have voted ''yea.''

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KERRY), and the Senator from West Virginia (Mr. ROCKEFELLER), are necessarily absent.

The PRESIDING OFFICER (Mr. TALENT). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 92, nays 0, as follows:

[Rollcall Vote No. 224 Leg.]

YEAS—92

Akaka	Bunning	Cornyn
Alexander	Burr	Corzine
Allard	Byrd	Craig
Allen	Cantwell	Crapo
Baucus	Carper	Dayton
Bayh	Chafee	DeWine
Bennett	Clinton	Dodd
Biden	Coburn	Dole
Bingaman	Cochran	Domenici
Bond	Coleman	Dorgan
Boxer	Collins	Durbin
Brownback	Conrad	Ensign

Enzi	Lautenberg	Santorum
Feingold	Leahy	Sarbanes
Feinstein	Levin	Schumer
Frist	Lieberman	Sessions
Graham	Lincoln	Shelby
Grassley	Lott	Smith
Gregg	Lugar	Snowe
Hagel	McCain	Specter
Harkin	McConnell	Stabenow
Hatch	Mikulski	Stevens
Hutchison	Murkowski	Sununu
Inhofe	Murray	Talent
Isakson	Nelson (FL)	Thomas
Jeffords	Nelson (NE)	Thune
Johnson	Obama	Vitter
Kennedy	Pryor	Voinovich
Kohl	Reed	Warner
Kyl	Reid	Wyden
Landrieu	Salazar	

NOT VOTING—8

Burns	Inouye	Roberts
Chambliss	Kerry	Rockefeller
DeMint	Martinez	

The motion was agreed to.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

MORNING BUSINESS

Mr. VOINOVICH. Mr. President, I ask unanimous consent that there be a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLEAN AIR MERCURY RULE

Mr. VOINOVICH. Mr. President, I rise this evening to express opposition to the resolution that we are going to be voting on tomorrow morning. First, for the benefit of my colleagues, I would like to explain that to be effective the resolution must be passed by the Senate and the House and signed by the President. While the act provides for expedited and privileged procedures in the Senate, there are not such rules in the House. I have every reason to believe this resolution will not be considered by the House, and even if it is considered by the House and passed, the President has announced today that he would veto this legislation. So it is clear where this is going.

What are we talking about? On March 15 of this year, EPA finalized the clean air mercury rule and made the United States the first nation in the world to regulate mercury emissions from existing coal-fired powerplants. That is the first in the world. We know we have coal-fired powerplants all over the world—China, India, all over. Through two phases in a program called cap and trade, mercury emissions will be reduced by 70 percent. The program is modeled after the Nation's most successful clean air program, the Acid Rain Program. There were not any lawsuits filed, and it went through and made a big difference in terms of reducing acid rain.

Modeling by the Electric Power Research Institute, an independent nonprofit research organization, shows that the rule is going to reduce mercury in every State. This is quite amazing given the nature of mercury.

Let us talk about mercury and where it comes from because the debate earlier this evening gave the impression that all of the mercury that people are experiencing today in the United States comes from the United States. Not so. Mercury travels hundreds and thousands of miles. About 55 percent of worldwide mercury emissions come from natural sources such as oceans and volcanoes. So it is already in the environment. Only 1 percent of worldwide emissions come from U.S. powerplants, which is what we are talking about today.

From 1990 to 1999, the Environmental Protection Agency estimates that U.S. emissions of mercury were reduced by nearly half. So we have been doing some real good, and that has been completely offset by increases in emissions from Asia.

As many of my colleagues know, throughout my career I have focused a lot of my time and energy on the Great Lakes. In a report published after a workshop sponsored by the International Air Quality Advisory Board of the International Joint Commission—the International Joint Commission is made up of U.S. and Canadian representatives and the Commission for Environmental Cooperation—I learned that as much as 45 percent of the mercury disposition in the Great Lakes is believed to come from Asia.

We have had some discussion today about mercury control technology. I would like to share with my colleagues that the testing performed by the Department of Energy, EPA, and the electric utility industry has demonstrated that existing control equipment for sulfur dioxide, nitrogen oxide, and particulate matter can reduce mercury emissions by approximately 40 percent. In other words, if we do a better job of reducing NO_X and SO_X, we will have a real impact on the reduction of mercury in the United States.

According to the DOE's national environmental technology laboratory, the ability of these existing pollution controls to reduce mercury can vary from zero levels approaching 90 percent. In fact, some combinations of control technologies for reasons unexplained show an increase in mercury emissions.

So the status of the technology is really fuzzy. If mercury technology is so settled, as my colleagues would lead many to believe, then why is the Department of Energy supporting 36 mercury control projects located in 12 States—California, Washington, Alabama, Pennsylvania, Virginia, Ohio, West Virginia, Colorado, North Dakota, North Carolina, and Iowa.

Additionally, Green Wire published an article, by the way, that was referenced by the Senator from Delaware, where the first sentence reads: A leading technology for removing mercury from the coal combustion process will be fully applied for the first time to a commercial scale powerplant. So this is proven technology of one or two out of more than a thousand coal-fired units are going to install it.

In other words, we have a couple of plants that they are talking about doing something in terms of this mercury technology. The vendor that is going to install this technology on two plants in the Midwest has said their target is 80 percent.

Those who are promoting the resolution want a 90-percent reduction within 3 years. Now, here is somebody who is out there in front on technology, and they are talking about their target being 80 percent. The President's regulation, EPA regulation, is a reduction of 70 percent.

So let us look at this. Two plants out of more than 1,000 coal-fired plants. I am not sure that one could argue with a straight face that the technology is out there to do what the sponsors of this resolution would say that they could do.

According to the DOE, currently no single technology exists that can uniformly control mercury from all powerplant gas emissions. For that reason, the EPA concluded that mercury-specific control technologies are not yet commercially available and does not believe widely applicable technologies can be developed and broadly applied over the next 5 years.

The sponsors of this resolution, as I mentioned, are for something called the Maximum Available Control Technology. They want a 90-percent reduction in 3 to 4 years. First of all, the technology is not there, but let's say what would happen if it were there. EPA's cap-and-trade program, the one that is reflected in the regulation that EPA promoted on mercury, is going to cost $2 billion, while the regulation of the sponsors of this regulation would cost $358 billion. That is not million; we are talking about $2 billion versus $358 billion.

Utilities will be forced to increase their use of natural gas by almost 30 percent because natural gas is the only means available at the present time to achieve significant mercury reductions within such a short timeframe. Natural gas prices will increase by over 20 percent. National average electricity prices will increase by 20 percent. Some regions of the United States, especially those that rely on coal, are projected to experience electricity price increases as much as 45 percent.

I have to say that I come from the State of Ohio. I live in Cleveland, OH. We have seen our natural gas prices increase almost 100 percent since 2001. In fact, I believe that is when the recession started in my State. This is impacting dramatically on those people who are the least able to pay. It is impacting dramatically on the businesses in my State and, frankly, throughout the United States of America. I suspect it is also impacting on those people in the Northeastern part of the United States, the home of many of those who are sponsoring this resolution to overturn the EPA rule on mercury.

Let's talk about natural gas prices. According to the independent Energy

Information Administration, a maximum standard would have a devastating impact on our Nation because coal plants, unable to attain it, would be forced to fuel switch away from coal, which is our most abundant and least costly energy source, to natural gas.

One of the things my colleagues need to understand is that we are the Saudi Arabia of coal. We have 250 years' worth of coal here in the United States. There are some people, frankly, who would like to see coal put out of business. In fact, the lawyer for the Sierra Club indicated about a year ago that it is their goal to make sure that we no longer have any coal-fired facilities, energy plants in the United States.

Increased reliance on natural gas for electricity generation will add to the cost, as we have already seen. We have the highest natural gas prices in the developed world today. Increased costs have diminished our businesses' competitive position in the global marketplace.

I was saying earlier today, some of my colleagues are living in a cocoon. The biggest threat to the United States, and we don't recognize it, is that we have the most fierce competition this country has ever confronted in my memory today, and we still go about dealing with our problems the way we did 25 or 15 years ago. We have to understand that decisions we make not only impact on the people in our Nation, but they also impact on the competitive position of the United States in the global marketplace.

The Energy Information Agency, which is part of the Department of Energy, estimates that natural gas prices may go up as much as 71 percent in some parts this fall. Did you hear me? That is 71 percent. Talk to the people in Cleveland or in Columbus or other parts of the United States who have had it up to here with their natural gas costs. It will place a burden on the poor and elderly and on American businesses both large and small. EIA finds that the use of natural gas for electricity generation may increase up to 10 percent by 2025, with nationwide electricity prices expected to rise by as much as 22 percent.

The repercussions of high natural gas prices do not end with higher energy prices for individuals and businesses. What we forget about is natural gas—this is something I think the American people have to understand—is a vital feedstock for many industries in the United States. Since 1999, 21 nitrogen fertilizer production facilities have closed, 16 of them permanently. As a result, farmers are paying up to 70 percent more for nitrogen fertilizer materials than they did before, and that is reflected of course in the price we pay for corn and for other crops that use fertilizer.

The chemical industry had an eight-decade run as a major exporter; that is, we exported chemical products all over the world. That ended in 2003. With a $19 billion trade surplus in 1997—that is $19 billion we are selling—it went to a $9.6 billion deficit. That means today we are importing chemical products into the United States. More than 90,000 U.S. chemical industry jobs have been lost since 2000. Of the 125 large-scale chemical production plants under construction worldwide, 50 are in China, while only 1 is in the United States.

This is another example, because of our policy, of jobs shifting out of this country to other countries.

Perhaps the most frustrating aspect of this resolution for me is that it completely circumvents the Environment and Public Works Committee and the subcommittee I chair. That subcommittee is the Clean Air Subcommittee of the Environment and Public Works Committee Climate Control and the Nuclear Regulatory Commission. Disregarding our committee's jurisdiction and extensive work on this matter, with a total of 24 hearings held on emissions issues since 1998, S.J. Res. 20 was discharged from the EPA Commission by a petition, not by a vote of its members. In fact, the committee worked hard during the first few months of this year to pass the Clear Skies Act to reduce emissions of mercury, NOx and sulfur dioxide. Unfortunately, several of my colleagues simply did not want a bill and were unable to compromise so we would be able to move the bill out of committee.

It is astounding that many of the Members who are now supporters of this resolution on which we will vote tomorrow—if Members want to reduce emissions sooner or even through a different mechanism, then let's work together and pass a multi-emissions bill that deals with SO_X, NO_X, and mercury, as proposed in the President's Clear Skies Initiative on which we agreed to compromise and now we are dealing with one part of it.

Instead, proponents of this resolution are taking a step backward. At the least, passage of this resolution means that the Clean Air Mercury Rule would be repealed and there would be years of delay before a new regulation would be developed, proposed, finalized, and then implemented after resolving the inevitable litigation.

I want to point out the beginning of this rule—in other words coming up with a mercury rule—started in the Clinton administration 15 years ago.

Some arguments have also been advanced that the resolution would eliminate any legal requirement that EPA even promulgate a regulation to control mercury emissions from powerplants. This resolution is not the right way to get actual reductions. EPW Committee Chairman Jim Inhofe and I showed earlier this year that we are willing, as I mentioned, to sit down at the table and work through a multi-emissions bill. We made changes in the committee to address every concern raised and we are willing to do more, but frankly no member of the opposing side told us what is wrong with our proposal and what would be needed for them to support our bill. We got nowhere.

Our managers' amendment to Clear Skies is stronger on mercury than the Rule. We move up the second phase from 2018 to 2016, and create a hotspot program to address concerns that people have with our cap-and-trade program.

The last thing I would like to get at is there are being represented all kinds of statistics on how mercury is impacting the population of the United States, particularly women of childbearing age.

I want to point out the major sponsors of this resolution live up in this area of the United States. The disposition of mercury in micrograms per square meter is less than 1 in this area, where they are complaining about all the mercury and how it is impacting on their lakes and streams and on their population. The people who have the problem are in Pennsylvania and Ohio—this blue area on the map. They are the ones who have the mercury problem. As I mentioned before, a lot of it has to do with mercury that is coming from other places in the world. The Clear Skies legislation that we put together was going to deal with this problem. But, oh, no, it is our way or no way; we have to have something that is perfect.

The thing we do here so often in the Senate is we allow the perfect to get in the way of the good. We better realize we are going to need more compromising if we are going to do the things we want to do, to reduce emissions in the air and at the same time stay competitive in the global marketplace.

I am going to finish with a little information on the risks of mercury. We have heard all of the gloom and doom and how terrible it is and we can't eat the fish and we can't do this and we can't do that.

EPA's reference dose for methylmercury is the basis for regulating mercury because methylmercury poses the greatest risks of exposure to people, including women of childbearing age. Understand that. EPA's reference dose for methylmercury is very conservative. It is more than twice as stringent as that of the World Health Organization; twice as stringent as Health Canada; three times more stringent than the Agency for Toxic Substances and Disease Registry.

In other words, the rule that we have is more stringent. First of all, it is the first real rule we have in terms of the world dealing with mercury. But compared to the one some of these other organizations have stated, it is so much better than what they have put out as being the goal. The National Academy of Sciences concluded that EPA's reference dose is a ''scientifically justifiable level for the protection of public health.'' EPA's analysis

concluded that, as a result—we are talking about the Environmental Protection Agency. We keep hearing that the inspector general of the EPA does not like this. The agency the inspector general works for disagrees with the inspector general.

As I said, the National Academy of Science scientists concluded that EPA's reference dose is ''a scientifically justifiable level for the protection of public health.'' EPA's analysis concluded that as a result of the cap-and-trade program:

. . . the overwhelming majority of the general public and those who consume large quantities of fish—

And I consume large quantities of fish because Lake Erie is one of the best fisheries in the United States of America. We eat a lot of perch in the Voinovich household—

are not expected to be exposed above the methylmercury reference dose.

Additionally, while several of my colleagues and groups claim that there is an urgent need to dramatically reduce mercury emissions because many are at serious risk, this is simply not the case. Two months ago, the Centers for Disease Control and Prevention released their ''Third National Report on Human Exposure to Environmental Chemicals,'' stating that all women of childbearing age—16 to 49 years of age—had blood mercury levels below that associated with the neuro-developmental effects in the fetus.

We have been hearing lots of information and statistics about this issue. The fact of the matter is that the EPA rule on mercury is reasonable. It will cost $2 billion, versus $385 billion.

It has been shown, if we went with what the sponsors of this resolution want to do—that is, overturn the mercury rule of EPA—if they got everything they wanted, we would have a 2-percent reduction below what we are going to get with this 70 percent rule that has been promulgated by the EPA.

I hope my colleagues spend a little time looking at this situation and its impact and tomorrow vote no on the proposed resolution to overturn the EPA's mercury rule.

I yield the floor, and I suggest the absence of quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO CRAIG WILLIAMS AND THE CHEMICAL WEAPONS WORKING GROUP

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to a great Kentuckian and the fine organization he represents—Mr. Craig Williams and the Chemical Weapons Working Group, CWWG, based in Madison County, KY.

For almost 20 years, Craig and the CWWG have been invaluable in their efforts to ensure that the millions of pounds of chemical weapons stored at Kentucky's Blue Grass Army Depot are destroyed as safely and expeditiously as possible. In large part due to their efforts, we are closer than we have ever been to taking tangible steps towards chemical weapons disposal.

One of our biggest challenges has been to keep those in charge of weapons disposal at the Department of Defense, DOD, accountable to the citizens of Kentucky. It hasn't been easy. Without the efforts and diligence of Craig and his organization, it would have been close to impossible to hold DOD to the commitments it has made to the local community. This is because, with respect to chemical demilitarization, DOD has long operated in a less than transparent manner. Craig has been another set of eyes and ears for the Kentucky delegation, keeping us abreast of what is going on—or not going on—at the depot. In this regard, Craig has been at the vanguard of a unique public/private partnership between the citizens of Madison County and its elected representatives, including my colleague and friend from Kentucky, Senator BUNNING.

But for the efforts of Craig and the CWWG, our Nation's obligations under the Chemical Weapons Convention would be in more jeopardy than they already are. More importantly, but for Craig and the CWWG, hundreds of thousands of Americans would continue living indefinitely with the specter of an aging and increasingly unstable chemical weapons stockpile looming in their midst.

All of us in the Commonwealth of Kentucky owe Craig and the CWWG a substantial debt of gratitude for their tireless work to protect the health and safety of the public, the depot workers, and the local environment.

I ask my fellow Senators to join me in paying tribute to the CWWG and to my friend, Craig Williams.

REMEMBERING SEPTEMBER 11, 2001

Mr. SANTORUM. Mr. President, yesterday marked the 4-year anniversary of the tragedies that took place on September 11, 2001. Out of the destruction of that terrible day emerged a renewal of the American spirit and a rejuvenated commitment to fight the scourge of terrorism both at home and abroad.

Yesterday, I was honored to attend a memorial service along with Governor Ed Rendell of Pennsylvania, former Pennsylvania Governor and Homeland Security Secretary Tom Ridge, Attorney General Alberto Gonzales, and other public officials to pay tribute to the brave passengers and crew aboard flight 93. We now know with near certainty that the terrorists aboard that flight had plans of causing severe destruction to either the White House or the Capitol Building. Thanks to the heroic actions of the men and women aboard that flight, thousands of lives were spared, and one of the greatest symbols of America's freedom and democracy still stands.

The individuals who tried to break our fortitude will never succeed. They failed because as Americans we are all living, breathing examples of freedom and democracy, of strength and character. No act of terrorism can ever take that away from us.

I continue to believe that the individuals, States, and countries that have supported terrorism should be brought to justice. On October 7, 2001, President Bush announced Operation Enduring Freedom to dismantle the Taliban regime in Afghanistan, which was harboring al-Qaida. Thanks to the brave men and women in our armed forces and the support of other nations, we have captured countless members of al-Qaida.

As Americans, we have been blessed with a country that endorses freedom and equality. Sadly, the Afghani people were not as fortunate, living under the oppressive regime of the Taliban. We and other democratic nations have finally given them the chance to live in a free society. They have made considerable progress in establishing a democracy, noted by their landmark election on October 9, 2004, in which millions of Afghanis came out to vote.

The terrorists are relentless; they will continue to target America unless we take a firm stand against them. While we have made significant progress, we must remain vigilant in bringing al-Qaida to justice. Winning the war on terror is essential for the safety of America and other nations around the world. America has a unique opportunity to lead this fight and act as a symbol of freedom for all people. I feel honored to represent the people of Pennsylvania in the United States Senate, and I hope that we will all continue to work toward creating a safer world for our future generations.

Mr. FEINGOLD. Mr. President, this past Sunday, Americans from all parts of the country and all walks of life joined together in solemnly marking the painful anniversary of the terrible attacks of September 11, 2001.

Of course, Americans remember 9/11 every day. It has become a part of how we understand the world around us; it has been seared into our national consciousness. But we do not remember only the terrorist attacks themselves. We remember the lives, contributions, and aspirations of nearly three thousand innocent men, women and children who were killed that day. We remember the courage and heroism of our first responders. And we remember the outpouring of support and assistance and solidarity that came from every community in this great country and from so many around the world in the days following the attacks.

All of these memories unite us as Americans. Every day, those memories strengthen our unshakable resolve to defeat the terrorist networks that wish

to do us harm, and to preserve the freedoms that generations of Americans have fought to protect.

As our country confronts the devastation left in the wake of hurricane Katrina, we can see some of that same national strength, that same American solidarity and resolve, emerging again. It is by nurturing and reinforcing that national strength and compassion that we pay tribute to those we lost on September 11, 2001.

Mr. PRYOR. Mr. President, on this fourth anniversary of the tragedy of September 11, 2001, we pause to remember the victims and families impacted by the horrific terrorist attacks on our Nation. We also honor the bravery and sacrifice of our first responders and the generosity of millions of Americans who united to support one another.

The wounds from that dreadful day will never completely heal. Families and friends of those killed in New York City, the Pentagon, and on flight 93 over Pennsylvania still grieve for the senseless loss of their loved ones. We will never forget their sacrifices.

This year, as we simultaneously recover from the aftermath of Hurricane Katrina and honor those that lost their lives on September 11, we must continue to bolster our Nation's readiness for disasters of all sorts. Congress must fulfill its responsibility to the victims of terrorism by supporting the efforts of our military and law enforcement as they continue to pursue those who seek to do our Nation harm. Likewise, Hurricane Katrina has reestablished what September 11 proved 4 years ago, that we still have work to do in preparing our Nation to respond to a large scale disaster. The best way to honor the victims of 9/11 and our most recent disaster is to act to correct the mistakes of the past. We must continue to learn and evolve so that our Government can be as responsive as possible to the security needs of its citizens now, to honor the memory of those we have lost and as a promise to generations to come.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On July 4, 2005, Carl Zablonthy was punched in the face and knocked unconscious by two men in South Beach, FL. The apparent motivation for the attack was Zablonthy's sexual orientation.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that are born out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

REMEMBERING OFFICERS MICHAEL KING AND RICHARD SMITH

Mr. BINGAMAN. Mr. President, on Friday, September 9th the Nation honored two of our fallen heroes with the unveiling of their names at the National Law Enforcement Officers Memorial here in Washington, DC. Officers Michael King and Richard Smith of the Albuquerque Police Department were killed in the line of duty on August 19, 2005, a day that has become known as ''The Saddest Day'' to the residents of Albuquerque. The officers were in the process of taking into custody a mentally unstable man who had allegedly murdered 3 other people. Their actions on that fateful day saved the lives of countless others and were exemplary of the way these two fine officers lived their lives.

I speak today to honor Officer King and Officer Smith not for the way they died but for the way they lived—examples of honesty, dedication, commitment, and caring to the countless lives that they touched through their work and in their private lives. The residents of Albuquerque and New Mexico have taken these officers and their families to their heart. Now the Nation has the opportunity to honor these fine men.

Officer Michael King joined the Albuquerque Police Department in 1980 and spend 11 years in the traffic unit until he retired. But King missed the camaraderie of the force and his fellow officers and he returned to work in the traffic unit. Often referred to as a ''gentle giant,'' Michael would often stop to help stranded motorists fix their cars. Mr. King worked with and trained many of New Mexico's top law enforcement officers and left a lasting impression with them all. Officer King leaves behind a wife and two sons.

Like his good friend Officer King, Officer Richard Smith didn't need to be working that August day. He had retired from APD but he couldn't stay away and returned to service to protect the people of Albuquerque. Officer Smith is remembered as a man who was committed to his family, faith, and public service. He was always ready with a broad smile and a wave. He spent most of his career as a traffic cop and was buried 25 years to the day he graduated from the police academy. Officer Smith leaves behind a wife and a 13-year-old daughter.

These two officers are examples of the best our Nation has to offer. It is right that we honor these men and all the officers who have given their lives to protect their fellow citizens.

FETAL ALCOHOL SPECTRUM AWARENESS DAY

Ms. MURKOWSKI. Mr. President, by raising awareness one moment at a time, we can minimize the harm that drinking during pregnancy causes our most vulnerable population—our children.

In February of 1999, a small group of parents, raising children afflicted with fetal alcohol spectrum disorders, set out to change the world. That small group started an ''online support group'' which quickly became a worldwide grassroots movement to observe September 9 as International Fetal Alcohol Spectrum Disorders Awareness Day. Former Senate Minority Leader Tom Daschle was instrumental in having the Senate take notice of this important issue.

This year for the seventh consecutive year, communities across the Nation are pausing at the hour of 9:09 a.m. to acknowledge this day.

Events are occurring in cities and towns not just across the country, but around the world—from Chilliwack, British Columbia to Cape Town, South Africa to Madagascar—families are joining together today to raise awareness of fetal alcohol syndrome disorders or FASD.

My State of Alaska will observe this day with solemn events in Anchorage, Juneau, Kenai, and Fairbanks.

FASD is an umbrella term that describes a range of physical and mental birth defects that can occur in a fetus when a pregnant woman drinks alcohol. It is a leading cause of nonhereditary mental retardation in the U.S. Many children affected by maternal drinking during pregnancy have irreversible conditions—including severe brain damage—that cause permanent, lifelong disability.

FASD is 100 percent preventable. Prevention merely requires a woman to abstain from alcohol during pregnancy.

Yet every year in America, an estimated one in every 100 babies born are born with FASD—that's 40,000 infants. FASD affects more children than Down syndrome, cerebral palsy, spina bifida and muscular dystrophy combined.

The cost of FASD is high—more than $3 billion each year in direct health care costs, and many times that amount in lost human potential. Lifetime health costs for an individual living with FASD averages $860,000.

The indirect financial and social costs to the Nation are even greater—including the cost of incarceration, specialized health care, education, foster care, job training and general support services.

All in all, the direct and indirect economic costs of FASD in the U.S. are estimated to be $5.4 billion.

You can find FASD in every community in America—native, non-native, rich, poor—it doesn't discriminate. That is why, last February, the U.S. Surgeon General Richard Carmona

again issued another advisory to pregnant women, or women who plan to become pregnant, to completely abstain from all alcohol use.

In Alaska, I am troubled to report that we have the highest rate of FASD in the Nation. Approximately 163 Alaskan babies are born each year affected by maternal alcohol use during pregnancy. Among our native communities, the rate of FASD is 15 times higher than non-Native areas in the state.

And again, FASD is 100 percent preventable. We can save so many children and families so much heartache simply by increasing people's awareness of what FASD is and how we can prevent it. In fact, prevention of FASD is seven times more cost effective than treating the disorder.

That is why Senator TIM JOHNSON and I—and several others from both sides of the aisle—will soon be introducing legislation to direct more resources toward this terrible problem. The ''Advancing FASD Research, Prevention, and Services Act'' will—develop and implement targeted state and community-based outreach programs; improve coordination among Federal agencies involved in FASD treatment and research by establishing stronger communication with these programs, and improve support services for families and strengthen educational outreach efforts to doctors, teachers, judges and others whose work puts them in contact with people with FASD.

Forty-thousand American children a year are born with FASD. Our investment today in prevention, treatment and research will save countless in future health costs of this devastating but completely preventable disorder. I ask my colleagues to support the Advancing FASD, Research, Prevention and Services Act.

On Fetal Alcohol Awareness Day, we remember all innocent babies inflicted with this disorder and imagine the potential that they could have been but for the damage done by alcohol.

I hope that we will continue to pause in the ninth hour of the ninth day each September until fetal alcohol spectrum disorders are eradicated.

2005 DAVIDSON FELLOWS

Mr. GRASSLEY. Mr. President, I would like to take a few moments to recognize some of the most brilliant and hardest working young adults in our Nation and in the world today. These seventeen outstanding scholars have recently been named 2005 Davidson Fellows and are being rewarded for their cutting-edge and distinguished work. The Davidson Institute Fellowships promote and reward under-18 year olds who have undertaken invaluable projects and studies for the greater good of our country and the world. The Davidson Institute awards scholarships to each of the Fellows to assist them in furthering their education. I don't believe the Davidson Institute could have found a more distinguished or more deserving group of young scholars. I would like to detail their accomplishments for a moment.

Karsten Gimre was just 11 years old when he became a Davidson Fellow based on his project entitled ''Conversation Without Words.'' This young pianist from Banks, Oregon has performed with several professional orchestras and has been winning awards for his exceptional abilities since the age of 6 when he earned first place at the International Young Artists Concert here in Washington, D.C. At the age of 12 he is now studying math and physics at the Pacific University while continuing his musical instruction.

As a young writer from Canton, MI, Heidi Kaloustian's unique talent and creative genius allowed her to explore complex relationships and personal identity in her portfolio entitled ''The Roots of All Things'' while still allowing the reader to emotionally connect with the work and characters. Heidi plans to continue creative writing at the University of Michigan-Ann Arbor and I have no doubt that she will be very successful as a professor and as a writer.

Tiffany Ko, a 16 year old from Terre Haute, IN, put herself on the cutting edge of technology and science when she used electric field sensing to design a new type of computerized security system. Her project is a significant advancement from current security systems and could be used to make people and businesses safer than ever before.

At the age of 17 years old, Milana Zaurova from Fresh Meadows, NY has begun developing a new way to treat the most deadly form of brain cancer, malignant glioma. She combined chemotherapy and gene-therapy to develop a creative new method that has the potential to save many lives.

As a 12-year old from Chapel Hill, NC, Maia Cabeza has already developed an extensive resume as a violinist. She has earned praise in the United States and abroad for her technical proficiency and musicality. Maia has the noble goal of using her music to breach cultural and language barriers, and I wish her the best of luck and success.

When Brett Harrison was just 16 years old he was able to develop a mathematical proof that actually improved upon a conjecture developed by a Princeton University professor. This Dix Hills, NY native's work is applicable to numerous fields such as communications, structural design, and computer networking systems.

Tudor Dominik Maican is a gifted and talented 16-year-old composer from Bethesda, MD. He has already been commissioned by the Dumbarton Musical Society for a piano solo and has been the recipient of numerous awards for his imaginative and wide-ranging compositions.

Justin Solomon, from Oakton, VA, designed an algorithm to recognize an object based on its three dimensional features. Most recognition programs only use two dimensions, so Justin's new algorithm increases a program's accuracy and can potentially be used in the fields of security, robotics, and artificial intelligence.

John Zhou of Northville, MI took an interest in biomedicine because of its scientific and humanitarian aspects, and has now studied the DNA replication process with the goal of understanding and ultimately halting mutations and cancer development. John is also accomplished in many other fields including mathematics, physics, and Spanish.

Kadir Annamalai's project focused around building nanowires, or wires only about two molecules thick that could be used in devices like power generators and circuit boards. In addition to this extremely technical work, Kadir, who is from Saratoga, CA, is also an Eagle Scout and is the recipient of numerous Future Business Leaders of America awards.

Motivated by a strong desire to help those affected with Alzheimer's disease, Stephanie Hon, from Fort Myers, FL, investigated a creative method that her study suggests could possibly reverse some of the effects of Alzheimer's. Stephanie is considering continuing her Alzheimer's research at Harvard University this fall and we all wish her continued success.

Benedict Shan Yuan Huang's project, Changed Particle Production in High Energy Nuclear Collisions, is as technical and advanced as it sounds. He has created a new technique that promises to achieve quicker and more accurate results when studying the structure of matter. Benedict, who is from Coram, NY, will attend Harvard University in the fall and will most likely study science as well as the piano.

At the age of 16 Lucas Moller from Moscow, ID has already worked with NASA, the European Space Agency, and the Jet Propulsion Laboratory. His study on Martian dust and its effect on Martian lander missions has been incorporated on the Mars Surveyor lander and the Mars Express/Beagle 2 mission.

Nimish Ramanlal from Winter Springs, FL was able to advance the field of quantum computing by creating a new framework for quantum computing that overcomes the limitations on the effectiveness of quantum computers. His work could help a new form of computing to emerge with profound implications in nanotechnology, medical research, and advanced physics.

With the internet growing every day, Tony Wu of Irvine, CA created a new internet search method that could be highly useful in the information society of the 21st century. He has competed successfully in numerous science competitions and plans to study computer science or electronics engineering in college.

Fan Yang, a 17-year-old young woman from Davis, CA, developed a method of preventing eye infections by

using three compounds that prevent bacteria from forming and growing on the contact or intraocular lenses. This is a promising line of research that demonstrates the combination of Fan Yang's love of science and desire to help people.

At the age of 6 years old, Marc Yu, who is from Monterey Park, CA, has already won numerous awards and competitions for both his piano and cello performances including both first place for the cello and second place for the piano at the Southwest Youth Music Festival.

Mr. President, despite their relatively young age, these seventeen outstanding young men and women have all achieved remarkable things and fully deserve the awards that they have earned. Their past is overshadowed, however, by their even brighter futures and careers made easier by becoming 2005 Davidson Fellows. I would like to thank these young scientists, mathematicians, writers, and musicians for their accomplishments, past, present, and future, that will no doubt improve the lives of a great many people in this country and abroad.

NATIONAL SCHOOL BACKPACK AWARENESS DAY

Ms. COLLINS. Mr. President, on September 21, 2005, the American Occupational Therapy Association and more than 700 occupational therapy practitioners nationwide and around the world will be celebrating National School Backpack Awareness Day. They will be working with over 150,000 children to teach them how to prevent backpack-related injuries and to remain healthy and successful in school. In my home State of Maine, occupational therapists have arranged events in 15 schools and will be reaching over 5,000 students.

According to a number of studies done both internationally and in the United States, children using overloaded and improperly worn backpacks experience neck, should, and back pain and have problems with breathing and fatigue at significantly higher rates than students wearing backpacks properly and with appropriate loads. No child should regularly carry more than 15 percent of their body weight on their back. At Backpack Awareness Day events, which will be held in schools, stores, hospitals, shopping malls, and a variety of other venues, occupational therapy practitioners will ''weigh-in'' children and their backpacks to make sure that the backpacks do not surpass 15 percent of the child's body weight. The therapists will provide guidance about how to properly load and carry a backpack will also share tips about how to stay healthy and succeed in school. In Maine, these weigh-ins are being conducted in local schools from Saco to Skowhegan, and also in communities like Farmington, where Franklin Memorial Hospital is sponsoring a weigh-in as part of their Youth Health Fest.

Occupational therapy practitioners work with individuals across the lifespan. In schools occupational therapists work to modify educational environments to ensure that all students can achieve academic success. Occupational therapists provide assistance to teachers and school administrators in order to make school environments more accessible and conducive to learning. They also consult with educators to improve students' academic functioning and work to help prevent learning, mental, and physical disabilities from getting in the way of academic success. Occupational therapy practitioners in schools work directly with students, parents, and teachers to develop plans to improve students' function and productivity and to foster success and maximize their independence within the academic environment.

National School Backpack Awareness Day is a good example of how occupational therapists work within our schools and communities to promote wellness, and I am pleased to have this opportunity to acknowledge their valuable contributions. I urge all of my colleagues to join me in supporting September 21, 2005, as National School Backpack Awareness Day.

ADDITIONAL STATEMENT

TRIBUTE TO HOMER A. MAXEY, JR.

• Mr. INOUYE. Mr. President, on the occasion of the 33rd annual convention of the National Association of Foreign-Trade Zones, NAFTZ, which is meeting this week in my home State of Hawaii, I rise today to pay tribute to the cofounder of the NAFTZ, my good friend, Homer A. Maxey, Jr., who I have known for more than a quarter century.

The NAFTZ was conceived in November of 1972, at an informal meeting of foreign-trade zone representatives from various States. At that meeting, Homer A. Maxey, Jr., was selected chairman of a committee to develop the organizational framework for a formal association representing FTZ grantees and operators in the U.S. During a conference of FTZ managers in Washington, DC, on May 8, 1973, the NAFTZ was officially launched and Homer was elected to serve as the first President of this Association from 1973 to 1975. Homer was elected, by unanimous vote of the members, as the first Honorary Life Member at the NAFTZ Annual Conference in 1979. He has served on many different Committees of the NAFTZ including: the Oil Refinery Sub-Zone Task Force, ORSTF, the Operations Committee, Nominations Committee, the Long Range Planning Committee, and several task forces. Today the NAFTZ represents over 800 members comprised of State and local government agencies, public entities, individuals and corporations involved in the Foreign-Trade Zone program. The NAFTZ plays an important role in facilitating international trade and U.S. competitiveness through the promotion and support of the Foreign-Trade Zones Program.

The Foreign-Trade Zones Program was created by an act of Congress in 1934. Its purpose is to encourage domestic warehousing, manufacturing and processing activity. States and local governments use foreign-trade zones as part of their overall economic development strategy and to improve the international business sector in their communities. FTZs contribute to the enhancement of the U.S. investment climate for commerce and industry. The FTZ program encourages capital investment in the U.S. rather than abroad and secures American jobs. The benefit occurs only if the activity takes place in the U.S. It substitutes U.S.-produced merchandise and labor for foreign imports. Today there are 260 approved general-purpose zones and 534 subzones located in all 50 States and Puerto Rico. According to the latest available annual report of the Foreign-Trade Zones Board, the total value of merchandise received at foreign-trade zones annually exceeds $200 billion. Over 2,200 firms in the U.S. utilize foreign-trade zones and employment at these facilities exceeds 300,000.

During his involvement with the NAFTZ, Homer Maxey has played an instrumental role in the growth and development of the U.S. Foreign-Trade Zones Program. For instance, he was instrumental in a number of issues, challenges, and accomplishments of the program, including spearheading customs regulations to limit customs duties on merchandise manufactured in FTZs to foreign material only; streamlining FTZ inventory recordkeeping; creating uniform FTZ management practices nationally; securing weekly entry for manufacturing; eliminating activation and annual fees on foreign-trade zones; allowing users of foreign-trade zones to defer entry and payment of duty on foreign production machinery used in FTZs until such time that the equipment goes into commercial production, and eliminating the merchandise processing fee on domestic materials shipped from FTZs.

At the same time Homer Maxey directed General Purpose Foreign-Trade Zone No. 9 in Hawaii, which was established in February 1965. Homer was the Administrator for the State of Hawaii's Foreign-Trade Zone project from 1965 through 1993. During his management of the zone, the first FTZ oil refinery was established on Oahu. Thereafter, the program in Hawaii grew under his direction to include today five General-Purpose Zone sites and five Subzones handling $2.04 billion worth of merchandise from 341 firms, with exports of $290,980,773 and employing a total of 2,683 people in zone-related activities. From its modest beginnings with 40,000 square feet originally approved, the General Purpose Zone project grew to involve 15 percent of the designated industrial lands on the Island of Oahu.

After attending the University of Hawaii in Honolulu, Mr. Maxey was employed by Hawaiian Airlines. He served in the U.S. Air Force during the early 1950s. He was employed by Matson Lines, 1955–1965, in passenger sales, freight traffic and marine operations. He has also been active in the Hawaii/Pacific Export Council, the Propeller Club of the Port of Honolulu, and the Chamber of Commerce of Hawaii. Mr. Maxey has also been a consultant to the State of Hawaii, the County of Hawaii, and Foreign-Trade Zone No. 9.

It is my honor to recognize the lifelong contributions of Homer Maxey to the U.S. Foreign-Trade Zones Program and the State of Hawaii. I wish Homer and his wife, Mahina, all the best in the future.●

MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 1681. A bill to provide for reimbursement of communities for purchases of supplies distributed to Katrina Survivors.

S. 1682. A bill to provide for reimbursement for business revenue lost as a result of a facility being used as an emergency shelter for Katrina Survivors.

S. 1683. A bill to provide relief for students affected by Hurricane Katrina.

S. 1684. A bill to clarify which expenses relating to emergency shelters for Katrina Survivors are eligible for Federal reimbursement.

S. 1688. A bill to provide 100 percent Federal financial assistance under the Medicaid and State children's health insurance programs for States providing medical or child health assistance to survivors of Hurricane Katrina, to provide for an accommodation of the special needs of such survivors under the medicare program, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–3645. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Raytheon Model HS.125 Series 700A Airplanes, Model BAe.125 Series 800A Airplanes, and Model Hawker 800 and Hawker 800XP Airplanes'' ((RIN2120–AA64)(2005–0386)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3646. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 747–200B, 747–300, 747–400, and 747–400D Series Airplanes'' ((RIN2120–AA64)(2005–0387)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3647. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bombardier Model DHC–7–100, DHC–7–101, DHC–7–102, and DHC–7–103 Airplanes'' ((RIN2120–AA64)(2005–0385)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3648. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 757–200, –200PF, and –200CB Series Airplanes Equipped with Pratt and Whitney or Rolls-Royce Engines'' ((RIN2120–AA64)(2005–0384)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3649. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model 717–200 Airplanes'' ((RIN2120–AA64)(2005–0393)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3650. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Learjet Model 23, 24, 25, 35, and 36 Airplanes'' ((RIN2120–AA64)(2005–0392)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3651. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 727 Airplanes'' ((RIN2120–AA64)(2005–0391)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3652. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 747–400 and 747–400D Series Airplanes'' ((RIN2120–AA64)(2005–0390)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3653. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 747 Airplanes'' ((RIN2120–AA64)(2005–0389)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3654. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: The New Piper Aircraft, Inc. Models PA–34–200T, PA–34–220T, PA–44–180, and PA–44–180T Airplanes'' ((RIN2120–AA64)(2005–0376)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3655. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Model A300 B2 and B4 Series Airplanes; Model A300 B4–600, B4–600R, and F4–600R Series Airplanes; and Model A300 C4–605R Variant F Airplanes; and Model A310–200 and –300 Series Airplanes'' ((RIN2120–AA64)(2005–0381)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3656. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bell Helicopter Textron Model 206A and 206B Helicopters'' ((RIN2120–AA64)(2005–0388)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3657. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model DC–10–10, DC–10–10F, DC–10–15, DC–10–30, DC–10–30F (KC–10A and KDC–10), DC–10–40, DC–10–40F, MD–10–10F, MD–10–30F, MD–11, and MD–11F Airplanes'' ((RIN2120–AA64)(2005–0379)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3658. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: BAE Systems Limited Model 4101 Airplanes'' ((RIN2120–AA64)(2005–0377)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3659. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Model A320–111 Airplanes and Model A320–200 Series Airplanes'' ((RIN2120–AA64)(2005–0378)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3660. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 747–100B SUD, –200B, –300 –400, and –400D Series Airplanes'' ((RIN2120–AA64)(2005–0380)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3661. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting authorization of Major General Richard S. Kramlich, United States Marine Corps, to wear the insignia of the grade of lieutenant general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–3662. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting authorization of Major General John F. Goodman, United States Marine Corps, to wear the insignia of the grade of lieutenant general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–3663. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting authorization of Major General Emerson N. Gardner, Jr., United States Marine Corps, to wear the insignia of the grade of lieutenant general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–3664. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting authorization of Major General Joseph F. Weber, United States Marine Corps, to wear the insignia of the grade of lieutenant general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–3665. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting authorization of Major General John G. Castellaw, United States Marine Corps, to wear the insignia of the grade of lieutenant general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–3666. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting authorization of Major General William E. Mortensen, United States Army, to wear the insignia of the grade of lieutenant general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–3667. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting authorization of Major General John L. Hudson, United States Air Force, to wear the insignia of the grade of lieutenant general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–3668. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting authorization of Major General Donald J. Hoffman, United States Air Force, to wear the insignia of the grade of lieutenant general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–3669. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting authorization of Major General Kevin P. Chilton, United States Air Force, to wear the insignia of the grade of lieutenant general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–3670. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting authorization of Major General David A. Deptula, United States Air Force, to wear the insignia of the grade of lieutenant general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–3671. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting authorization of Lieutenant General Norton A. Schwartz, United States Air Force, to wear the insignia of the grade of general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–3672. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting authorization of Lieutenant General John D.W. Corley, United States Air Force, to wear the insignia of the grade of general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–3673. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting authorization of Lieutenant General Robert Magnus, United States Marine Corps, to wear the insignia of the grade of general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–3674. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting authorization of Lieutenant General William E. Ward, United States Army, to wear the insignia of the grade of general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–3675. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting authorization of Rear Admiral Ann E. Rondeau, United States Navy, to wear the insignia of the grade of vice admiral in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–3676. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting a report on the approved retirement of General William L. Nyland, United States Marine Corps, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

EC–3677. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting a report on the approved retirement of Lieutenant General Richard A. Hack, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–3678. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting a report on the approved retirement of Lieutenant General Richard L. Kelly, United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–3679. A communication from the Acting Secretary of the Air Force, transmitting, pursuant to law, the report of an Average Procurement Unit Cost (APUC) and a Program Acquisition Unit Cost (PAUC) breach relative to the Space Based Infrared System (SBIRS) to the Committee on Armed Services.

EC–3680. A communication from the Under Secretary for Benefits, Veterans Affairs and the Assistant Secretary of Defense (Health Affairs), transmitting, pursuant to law, a report entitled ''Department of Veterans Affairs/Department of Defense Single Separation Examinations at Benefits Delivery at Discharge Sites''; to the Committee on Armed Services.

EC–3681. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to acceptance of contributions for defense programs, projects, and activities; Defense Cooperation Account, and a report concerning the value of personal property that foreign nations have provided the United States for the Global War on Terrorism; to the Committee on Armed Services.

EC–3682. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (8 subjects on 1 disc beginning with ''Inquiry Response Regarding USAF Communications with Adjutants General'') relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC–3683. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (6 subjects on 1 disc beginning with ''Inquiry Response Regarding DFAS Contractors'') relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC–3684. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (10 subjects on 1 disc beginning with ''Follow Up Questions on Eielson'') relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC–3685. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (15 subjects on 1 disc beginning with ''NAS Oceana'') relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC–3686. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, six quarterly Selected Acquisition Reports (SARs) for the quarter ending June 30, 2005 entitled ''LPD17, MH–60S, Evolved Expendable Launch Vehicle (EELV), Global Broadcast Service (GBS), National Airspace System (NAS), and Smaller Diameter Bomb (SDB); to the Committee on Armed Services.

EC–3687. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (9 subjects on 4 discs beginning with ''Installation and Range Boundaries Data Files'') relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC–3688. A communication from the Secretary, Department of Defense, transmitting a report on the approved retirement of General John P. Jumper, United States Air Force; to the Committee on Armed Services.

EC–3689. A communication from the Chief, Programs and Legislative Division, Office of Legislative Liaison, Office of the Secretary, Department of the Air Force, transmitting, pursuant to law, a report relative to a multifunction standard competition of the Base Operating Support Functions at Homestead Air Reserve Station (ARS), Florida; to the Committee on Armed Services.

EC–3690. A communication from the Secretary of Health and Human Services, transmitting the draft agenda for the ribbon cutting ceremony for the six new buildings at the Centers for Disease Control and Prevention (CDC) in Atlanta, Georgia, on Monday, September 12, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–3691. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''HHS Designation of Additional Members (workers employed at the Y–12 facility in Oak Ridge, Tennessee) of the Special Exposure Cohort under the Energy Employees Occupational Illness Compensation Program Act of 2000''; to the Committee on Health, Education, Labor, and Pensions.

EC–3692. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Definition of Primary Mode of Action of a Combination Product'' (Docket No. 2004N–0194) received on September 6, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–3693. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''HHS Designation of Additional Members (workers employed at the Iowa Army Ammunition Plant in Burlington, Iowa) of the Special Exposure Cohort under the Energy Employees Occupational Illness Compensation Program Act of 2000''; to the Committee on Health, Education, Labor, and Pensions.

EC–3694. A communication from the White House Liaison, Office of Legislation and Congressional Affairs, Department of Education, transmitting, pursuant to law, the report of action on a nomination for the position of Assistant Secretary, received on August 31, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–3695. A communication from the White House Liaison, Office of Legislation and Congressional Affairs, Department of Education, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary, received on August 31, 2005; to the

Committee on Health, Education, Labor, and Pensions.

EC–3696. A communication from the White House Liaison, Office of Management, Department of Education, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary, received on August 31, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–3697. A communication from the White House Liaison, Office of Management, Department of Education, transmitting, pursuant to law, the report of the designation of an acting officer for the position of Assistant Secretary, received on August 31, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–3698. A communication from the White House Liaison, Office of Communications and Outreach, Department of Education, transmitting, pursuant to law, the report of action on a nomination for the position of Assistant Secretary, received on August 31, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–3699. A communication from the White House Liaison, Office of Planning, Evaluation and Policy Development, Department of Education, transmitting, pursuant to law, the report of action on a nomination for the position of Assistant Secretary, received on August 31, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–3700. A communication from the White House Liaison, Office of Elementary and Secondary Education, Department of Education, transmitting, pursuant to law, the report of action on a nomination for the position of Assistant Secretary, received on August 31, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–3701. A communication from the White House Liaison, Institute of Education Sciences, Department of Education, transmitting, pursuant to law, the report of a nomination for the position of Commissioner of Education Statistics, received on August 31, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–3702. A communication from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Prohibited Transaction Exemption 84–14 for Plan Asset Transactions Determined by Independent Qualified Professional Asset Managers'' (PTE 84–14) received on August 23, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–3703. A communication from the Senior Regulatory Officer, Wage and Hour Division, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Service Contract Act Wage Determination OnLine Request Process'' (RIN1215–AB47) received on August 31, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–3704. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Irradiation in the Production, Processing, and Handling of Food'' (Docket No. 1999F–4372) received on August 17, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–3705. A communication from the Deputy Executive Director, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits'' (29 CFR Parts 4022 and 4044) received on September 6, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–3706. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on the Fiscal Year 2003 Low Income Home Energy Assistance Program; to the Committee on Health, Education, Labor, and Pensions.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MCCAIN, from the Committee on Indian Affairs, without amendment:

S. 113. A bill to modify the date as of which certain tribal land of the Lytton Rancheria of California is deemed to be held in trust (Rept. No. 109–136).

By Mr. SPECTER, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1197. A bill to reauthorize the Violence Against Women Act of 1994.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. TALENT:

S. 1650. A bill to suspend temporarily the duty on prohexadione calcium; to the Committee on Finance.

By Mr. TALENT:

S. 1651. A bill to suspend temporarily the duty on methyl methoxy acetate; to the Committee on Finance.

By Mr. TALENT:

S. 1652. A bill to suspend temporarily the duty on methoxyacetic acid; to the Committee on Finance.

By Mr. TALENT:

S. 1653. A bill to suspend temporarily the duty on N-Methylpiperidine; to the Committee on Finance.

By Mr. TALENT:

S. 1654. A bill to suspend temporarily the duty on p-trifluoromethyl benzaldehyde; to the Committee on Finance.

By Mr. TALENT:

S. 1655. A bill to suspend temporarily the duty on quinclorac technical; to the Committee on Finance.

By Mr. TALENT:

S. 1656. A bill to suspend temporarily the duty on pyridaben; to the Committee on Finance.

By Mr. TALENT:

S. 1657. A bill to suspend temporarily the duty on 2-acetylnicotinic acid; to the Committee on Finance.

By Mr. SANTORUM:

S. 1658. A bill to suspend temporarily the duty on sodium orthophenylphenol; to the Committee on Finance.

By Mr. SANTORUM:

S. 1659. A bill to suspend temporarily the duty on a certain chemical; to the Committee on Finance.

By Mr. SANTORUM:

S. 1660. A bill to extend the temporary suspension of duty on a certain ion exchange resin; to the Committee on Finance.

By Mr. SANTORUM:

S. 1661. A bill to extend the temporary suspension of duty on a certain ion exchange resin; to the Committee on Finance.

By Mr. SANTORUM:

S. 1662. A bill to extend the temporary suspension of duty on a certain ion exchange resin; to the Committee on Finance.

By Mr. SANTORUM:

S. 1663. A bill to extend the temporary suspension of duty on a certain chemical; to the Committee on Finance.

By Mr. SANTORUM:

S. 1664. A bill to extend the temporary suspension of duty on a certain ion exchange resin; to the Committee on Finance.

By Mr. SANTORUM:

S. 1665. A bill to extend the temporary suspension of duty on a certain ion exchange resin; to the Committee on Finance.

By Mr. SANTORUM:

S. 1666. A bill to suspend temporarily the duty on a certain chemical; to the Committee on Finance.

By Mr. SANTORUM:

S. 1667. A bill to suspend temporarily the duty on Baypure CX to the Committee on Finance.

By Mr. SANTORUM:

S. 1668. A bill to suspend temporarily the duty on a certain chemical; to the Committee on Finance.

By Mr. SANTORUM:

S. 1669. A bill to suspend temporarily the duty on Isoeicosane; to the Committee on Finance.

By Mr. SANTORUM:

S. 1670. A bill to suspend temporarily the duty on Isododecane; to the Committee on Finance.

By Mr. SANTORUM:

S. 1671. A bill to suspend temporarily the duty on Isohexadecane; to the Committee on Finance.

By Mr. SANTORUM:

S. 1672. A bill to suspend temporarily the duty on aminoguanidine bicarbonate; to the Committee on Finance.

By Mr. SANTORUM:

S. 1673. A bill to suspend temporarily the duty on O-Chlorotoluene; to the Committee on Finance.

By Mr. SANTORUM:

S. 1674. A bill to suspend temporarily the duty on Bayderm Bottom DLV–N; to the Committee on Finance.

By Mr. SANTORUM:

S. 1675. A bill to suspend temporarily the duty on 2, 3-Dichloronitrobenzene; to the Committee on Finance.

By Mr. SANTORUM:

S. 1676. A bill to reduce temporarily the duty on O-Toluidine to the Committee on Finance.

By Mr. SCHUMER:

S. 1677. A bill to amend the Internal Revenue Code of 1986 to permanently extend the deduction for college tuition expenses and to expand such deduction to include expenses for books; to the Committee on Finance.

By Mr. SCHUMER (for himself and Ms. MIKULSKI):

S. 1678. A bill to temporarily increase the standard mileage rate for use of an automobile for purposes of certain deductions allowed under the Internal Revenue Code of 1986 and to temporarily increase the reimbursement rate for use of an automobile by Federal employees; to the Committee on Finance.

By Mr. DEWINE (for himself and Mr. ROCKEFELLER):

S. 1679. A bill to amend part E of title IV of the Social Security Act to strengthen courts for at-risk children, and for other purposes; to the Committee on Finance.

By Mr. CORNYN:

S. 1680. A bill to reform the issuance of national security letters; to the Committee on the Judiciary.

By Mrs. HUTCHISON (for herself and Mr. CORNYN):

S. 1681. A bill to provide for reimbursement of communities for purchases of supplies distributed to Katrina Survivors; read the first time.

By Mrs. HUTCHISON (for herself and Mr. CORNYN):

S. 1682. A bill to provide for reimbursement for business revenue lost as a result of a facility being used as an emergency shelter for Katrina Survivors; read the first time.

By Mrs. HUTCHISON (for herself and Mr. CORNYN):

S. 1683. A bill to provide relief for students affected by Hurricane Katrina; read the first time.

By Mrs. HUTCHISON (for herself and Mr. CORNYN):

S. 1684. A bill to clarify which expenses relating to emergency shelters for Katrina Survivors are eligible for Federal reimbursement; read the first time.

By Mr. OBAMA (for himself, Mr. BAYH, Mr. HARKIN, Mr. LEVIN, Mr. CORZINE, Mr. FEINGOLD, Mr. BINGAMAN, Mr. KENNEDY, Mrs. MURRAY, and Mr. SALAZAR):

S. 1685. A bill to ensure the evacuation of individuals with special needs in times of emergency; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SANTORUM:

S. 1686. A bill to amend the Constitution Heritage Act of 1988 to provide for the operation of the National Constitution Center; to the Committee on Energy and Natural Resources.

By Ms. MIKULSKI (for herself and Mrs. HUTCHISON):

S. 1687. A bill to amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. HUTCHISON (for herself and Mr. CORNYN):

S. 1688. A bill to provide 100 percent Federal financial assistance under the Medicaid and State children's health insurance programs for States providing medical or child health assistance to survivors of Hurricane Katrina, to provide for an accommodation of the special needs of such survivors under the medicare program, and for other purposes; read the first time.

ADDITIONAL COSPONSORS

S. 267

At the request of Mr. CRAIG, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 267, a bill to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000, and for other purposes.

S. 269

At the request of Mr. KERRY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 269, a bill to provide emergency relief to small business concerns affected by a significant increase in the price of heating oil, natural gas, propane, or kerosene, and for other purposes.

S. 440

At the request of Mr. BUNNING, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 440, a bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the medicaid program.

S. 484

At the request of Mr. WARNER, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 484, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 513

At the request of Mr. GREGG, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 513, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 603

At the request of Ms. LANDRIEU, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 603, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes.

S. 635

At the request of Mr. SANTORUM, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 635, a bill to amend title XVIII of the Social Security Act to improve the benefits under the medicare program for beneficiaries with kidney disease, and for other purposes.

S. 695

At the request of Mr. SALAZAR, his name was added as a cosponsor of S. 695, a bill to suspend temporarily new shipper bonding privileges.

S. 875

At the request of Mr. BINGAMAN, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 875, a bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to increase participation in section 401(k) plans through automatic contribution trusts, and for other purposes.

S. 1064

At the request of Mr. COCHRAN, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 1064, a bill to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation.

S. 1081

At the request of Mr. KYL, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1081, a bill to amend title XVIII of the Social Security Act to provide for a minimum update for physicians' services for 2006 and 2007.

S. 1110

At the request of Mr. ALLEN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1110, a bill to amend the Federal Hazardous Substances Act to require engine coolant and antifreeze to contain a bittering agent in order to render the coolant or antifreeze unpalatable.

S. 1112

At the request of Mr. GRASSLEY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1112, a bill to make permanent the enhanced educational savings provisions for qualified tuition programs enacted as part of the Economic Growth and Tax Relief Reconciliation Act of 2001.

S. 1173

At the request of Mr. DEMINT, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 1173, a bill to amend the National Labor Relations Act to ensure the right of employees to a secret-ballot election conducted by the National Labor Relations Board.

S. 1179

At the request of Mr. KENNEDY, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1179, a bill to amend title XVIII of the Social Security Act to ensure that benefits under part D of such title have no impact on benefits under other Federal programs.

S. 1244

At the request of Mr. GRASSLEY, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1244, a bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term needs.

S. 1272

At the request of Mr. NELSON of Nebraska, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1272, a bill to amend title 46, United States Code, and title II of the Social Security Act to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

S. 1315

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 1315, a bill to require a report on progress toward the Millennium Development Goals, and for other purposes.

S. 1369

At the request of Mr. TALENT, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1369, a bill to establish an Unsolved Crimes Section in the Civil Rights Division of the Department of Justice.

S. 1403

At the request of Mr. WYDEN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1403, a bill to amend title XVIII of the Social Security Act to extend reasonable cost contracts under medicare.

S. 1440

At the request of Mr. CRAPO, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1440, a bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services.

S. 1462

At the request of Mr. BROWNBACK, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1462, a bill to promote peace and accountability in Sudan, and for other purposes.

At the request of Mrs. CLINTON, her name was added as a cosponsor of S. 1462, supra.

S. 1496

At the request of Mr. CRAPO, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 1496, a bill to direct the Secretary of the Interior to conduct a pilot program under which up to 15 States may issue electronic Federal migratory bird hunting stamps.

S. 1572

At the request of Mr. JOHNSON, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1572, a bill to amend title XIX of the Social Security Act to clarify the application of the 100 percent Federal medical assistance percentage under the medicaid program for services provided by the Indian Health Service or an Indian tribe or tribal organization directly or through referral, contract, or other arrangement.

S. 1622

At the request of Mrs. CLINTON, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1622, a bill to establish a congressional commission to examine the Federal, State, and local response to the devastation wrought by Hurricane Katrina in the Gulf Region of the United States especially in the States of Louisiana, Mississippi, Alabama, and other areas impacted in the aftermath and make immediate corrective measures to improve such responses in the future.

S. 1630

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1630, a bill to direct the Secretary of Homeland Security to establish the National Emergency Family Locator System.

At the request of Mr. OBAMA, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from New Jersey (Mr. CORZINE) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1630, supra.

S. 1638

At the request of Mr. OBAMA, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of S. 1638, a bill to provide for the establishment of programs and activities to assist in mobilizing an appropriate healthcare workforce in the event of a health emergency or natural disaster.

S. 1646

At the request of Mr. AKAKA, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 1646, a bill to provide for the care of veterans affected by Hurricane Katrina.

S. 1647

At the request of Mr. FEINGOLD, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 1647, a bill to amend title 11, United States Code, to provide relief to victims of Hurricane Katrina and other natural disasters.

S.J. RES. 23

At the request of Mr. COBURN, the names of the Senator from West Virginia (Mr. BYRD) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S.J. Res. 23, a joint resolution supporting the goals and ideals of Gold Star Mothers Day.

S. RES. 184

At the request of Mr. SANTORUM, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. Res. 184, a resolution expressing the sense of the Senate regarding manifestations of anti-Semitism by United Nations member states and urging action against anti-Semitism by United Nations officials, United Nations member states, and the Government of the United States, and for other purposes.

AMENDMENT NO. 1652

At the request of Mrs. LINCOLN, the names of the Senator from Colorado (Mr. SALAZAR), the Senator from Maryland (Ms. MIKULSKI) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of amendment No. 1652 proposed to H.R. 2862, a bill making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1654

At the request of Mr. DAYTON, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Missouri (Mr. TALENT) were added as cosponsors of amendment No. 1654 proposed to H.R. 2862, a bill making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1660

At the request of Mrs. CLINTON, the names of the Senator from California (Mrs. BOXER), the Senator from Illinois (Mr. OBAMA), the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of amendment No. 1660 proposed to H.R. 2862, a bill making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1661

At the request of Mr. BIDEN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of amendment No. 1661 proposed to H.R. 2862, a bill making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DEWINE (for himself and Mr. ROCKEFELLER):

S. 1679. A bill to amend part E of title IV of the Social Security Act to strengthen courts for at-risk children, and for other purposes; to the Committee on Finance.

Mr. DEWINE. Mr. President, I rise today to introduce a bill with my colleague, Senator ROCKEFELLER, which would impact the lives of many at-risk children living in foster care. This bill is called WE CARE Kids: Working to Enhance Courts for At-risk and Endangered Kids Act of 2005.

How well a child welfare system functions is often related to how well the accompanying court system functions. The important role of the courts was noted last year when the Pew Commission on Children in Foster Care released their recommendations to overhaul the Nation's foster care system. As observed by the Pew Commission, it is the courts that decide whether a child has been abused or neglected and whether that child should be placed in the foster care system. It is the courts that oversee whether the parents are making progress on their case plan and enforce the timelines for permanency. It is the courts that decide whether a parent's rights should be terminated or whether a family should be reunified. These judges are making tough, life-changing decisions for all parties involved.

To strengthen the courts making these life-altering decisions, the Pew Commission recommended: 1. The adoption of court performance measures by every dependency court; 2. incentives and requirements for effect collaboration between courts and child welfare agencies; 3. a strong voice in court for parents and children, as well as effective and well-trained representation by attorneys and volunteer advocates; and 4. leadership from chief justices and other State court leaders to organize their systems to better serve the needs of children, train judges, and promote effective standards for courts, judges and attorneys.

The legislation that Senator ROCKEFELLER and I are introducing today incorporates many of the recommendations of the Pew Commission. Among other provisions, the legislation provides $10 million for grants for training of judges and court personnel, of which a significant portion must be used for joint training between courts and child welfare agencies. It also provides $10 million for grants to the highest State court for the development and implementation of outcome measures related to safety, permanency, due process, and timeliness of court proceedings. The bill requires States to

develop standards of practice for attorneys appearing in child abuse and neglect proceedings, as well as provides loan forgiveness for attorneys who practice in family, domestic, and juvenile courts and for social workers who work within the child welfare system. The bill increases funding for the expansion of the Court Appointed Special Advocate program, and it includes a provision that would ease the placement of children in foster care from one State to another, for the purposes of speeding adoptions out of the foster care system.

Let me conclude by saying that when Congress passed the Adoption and Safe Families Act, I believed it was a good start. Congress, however, would have to do more to make sure that every child has the opportunity to live in a safe, stable, loving and permanent home. One of the essential ingredients is an efficiently operating court system—a system that puts the principles embodied in the law into practice. Our bill would help the court system do just that.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1679

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Working to Enhance Courts for At-Risk and Endangered Kids Act of 2005''.

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

TITLE I—COLLABORATION AMONG STATE IV–B AND IV–E AGENCY AND COURTS

SEC. 101. COLLABORATION ON CHILD AND FAMILY SERVICES PLANS, CHILD AND FAMILY SERVICE REVIEWS, PROGRAM IMPROVEMENT PLANS, AND COURT IMPROVEMENT PROGRAM PLANS.

(a) IV–B STATE PLANS REQUIREMENT.—

(1) STATE PLANS FOR CHILD WELFARE SERVICES.—Section 422(b) of the Social Security Act (42 U.S.C. 622(b)) is amended—

(A) in paragraph (13), by striking ''and'' at the end;

(B) in paragraph (14), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(15) provide that, not later than 3 years after the date of enactment of the Working to Enhance Courts for At-Risk and Endangered Kids Act of 2005, the State agency responsible for administering the State plan under this subpart shall demonstrate to the Secretary evidence of substantial, ongoing, and meaningful collaboration among the State agency, State court leaders and abuse and neglect courts located in the State, and Indian tribes and tribal organizations located in the State, with respect to the State plan under this subpart, the State plan under subpart 2, the State plan under part E, child and family services reviews required under section 1123A (including the development and implementation of a statewide assessment as part of the conformity reviews and corrective action plans required under that section), and assessments and implementation of improvements required under section 438, through means such as—

''(A) meeting regularly to review policies and procedures;

''(B) sharing data and information;

''(C) providing joint training; and

''(D) engaging in other ongoing efforts for improved decisions and outcomes for children receiving assistance or services funded under the programs authorized under this part and part E of this title.''.

(2) FAMILY PRESERVATION AND SUPPORT SERVICES PLANS.—Section 432(a) of the Social Security Act (42 U.S.C. 629b(a)) is amended—

(A) in paragraph (8), by striking ''and'' at the end;

(B) in paragraph (9), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end, the following:

''(10) provides that, not later than 3 years after the date of enactment of the Working to Enhance Courts for At-Risk and Endangered Kids Act of 2005, the State agency responsible for administering the State plan under this subpart shall demonstrate to the Secretary evidence of substantial, ongoing, and meaningful collaboration among the State agency, State court leaders and abuse and neglect courts located in the State, and Indian tribes and tribal organizations located in the State, with respect to the State plan under this subpart, the State plan under subpart 1, the State plan under part E, child and family services reviews required under section 1123A (including the development and implementation of a statewide assessment as part of the conformity reviews and corrective action plans required under that section), and assessments and implementation of improvements required under section 438, through means such as—

''(A) meeting regularly to review policies and procedures;

''(B) sharing data and information;

''(C) providing joint training; and

''(D) engaging in other ongoing efforts for improved decisions and outcomes for children receiving assistance or services funded under the programs authorized under this part and part E of this title.''.

(b) IV–E STATE PLAN REQUIREMENT.—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is amended—

(1) in paragraph (23)(B), by striking ''and'' at the end;

(2) in paragraph (24), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(25) provides that, not later than 3 years after the date of enactment of the Working to Enhance Courts for At-Risk and Endangered Kids Act of 2005, the State agency responsible for administering the State plan under this part shall demonstrate to the Secretary evidence of substantial, ongoing, and meaningful collaboration among the State agency, State court leaders and abuse and neglect courts located in the State, and Indian tribes and tribal organizations located in the State, with respect to the State plan under this part, the State plan under subpart 1 of part B, the State plan under subpart 2 of part B, child and family services reviews required under section 1123A (including the development and implementation of a statewide assessment as part of the conformity reviews and corrective action plans required under that section), and assessments and implementation of improvements required under section 438, through means such as—

''(A) meeting regularly to review policies and procedures;

''(B) sharing data and information;

''(C) providing joint training; and

''(D) engaging in other ongoing efforts for improved decisions and outcomes for children receiving assistance or services funded under the programs authorized under this part and part B of this title.''.

(c) CHILD AND FAMILY SERVICES PROGRAMS REVIEW REQUIREMENT.—Section 1123A of the Social Security Act (42 U.S.C. 1320a–2a) is amended by adding at the end the following:

''(d) DEMONSTRATION OF COLLABORATION.—

''(1) IN GENERAL.—Not later than 3 years after the date of enactment of the Working to Enhance Courts for At-Risk and Endangered Kids Act of 2005, the regulations referred to in subsection (a) shall require the

State agency responsible for administering the programs authorized under subpart 1 of part B of title IV, subpart 2 of part B of title IV, and part E of title IV to demonstrate to the Secretary evidence of substantial, ongoing, and meaningful collaboration among the State agency, State court leaders and abuse and neglect courts located in the State, and Indian tribes and tribal organizations located in the State, with respect to the child and family services reviews required under this section (including the development and implementation of a statewide assessment as part of the conformity reviews and corrective action plans required under this section), the State plan under subpart 1 of part B of title IV, the State plan under subpart 2 of part B of title IV, the State plan under part E of title IV, and assessments and implementation of improvements required under section 438, through means such as—

''(A) meeting regularly to review policies and procedures;

''(B) sharing data and information;

''(C) providing joint training; and

''(D) engaging in other ongoing efforts for improved decisions and outcomes for children receiving assistance or services funded under the programs authorized under parts B and E of title IV.

''(2) DEFINITIONS.—In this subsection:

''(A) ABUSE AND NEGLECT COURTS.—The term 'abuse and neglect courts' has the meaning given that term in section 475(8).

''(B) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given that term in section 102(2) of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a(2)).

''(C) TRIBAL ORGANIZATION.—The term 'tribal organization' has the meaning given that term in section 4(*l*) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(*l*).''.

(d) COURT IMPROVEMENT PROGRAM REQUIREMENT.—Section 438 of the Social Security Act (42 U.S.C. 629h) is amended by adding at the end the following:

''(e) DEMONSTRATION OF COLLABORATION.—Beginning on the date that is 3 years after the date of enactment of the Working to Enhance Courts for At-Risk and Endangered Kids Act of 2005, the highest State court in a State shall not be eligible for a grant under this section with respect to any fiscal year beginning on or after such date (or to continue to receive funding under a grant awarded under this section prior to such date), unless the court demonstrates to the Secretary evidence of substantial, ongoing, and meaningful collaboration among the State court leaders and abuse and neglect courts located in the State, the State agency responsible for administering the State plans under this subpart, subpart 1, and part E, and Indian tribes and tribal organizations located in the State with respect to the development and conduct of the assessments required under this section, the implementation of the improvements deemed necessary as a result of such assessments, the child and family services reviews required under section 1123A (including the development and implementation of a statewide assessment as part of the conformity reviews and corrective action plans required under that section), and the State plans under subpart 1 of part B of title IV, subpart 2 of part B of title IV, and part E of title IV. Demonstration of such collaboration may be made through means such as—

''(1) meeting regularly to review policies and procedures;

''(2) sharing data and information;

''(3) providing joint training; and

''(4) engaging in other ongoing efforts for improved decisions and outcomes for children receiving assistance or services funded under the programs authorized under parts B and E of title IV.''.

(d) DEFINITIONS OF ABUSE AND NEGLECT COURT; INDIAN TRIBE; TRIBAL ORGANIZATION.—

(1) IN GENERAL.—Section 475 of the Social Security Act (42 U.S.C. 675) is amended by adding at the end the following:

''(8) The term 'abuse and neglect courts' means the State, local, and tribal courts that carry out State, local, or tribal laws requiring proceedings (conducted by or under the supervision of the courts)—

''(A) that implement part B or part E of this title (including preliminary disposition of such proceedings);

''(B) that determine whether a child was abused or neglected;

''(C) that determine the advisability or appropriateness of foster care placement; or

''(D) that determine any other legal disposition of a child in the abuse and neglect court system.

''(9) The term 'Indian tribe' has the meaning given that term in section 102(2) of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a(2)).

''(10) The term 'tribal organization' has the meaning given that term in section 4(*l*) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(*l*).''.

(2) CONFORMING AMENDMENTS.—

(A) Section 428(c) of the Social Security Act (42 U.S.C. 628) is amended by striking ''by subsections (e) and (l) of section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b), respectively'' and inserting ''in paragraphs (9) and (10), respectively, of section 475''.

(B) Section 431(a) of the Social Security Act (42 U.S.C. 629a(a)(6)) is amended by striking paragraphs (5) and (6) and inserting the following:

''(5) TRIBAL ORGANIZATION.—The term 'tribal organization' has the meaning given that term in section 475(10).

''(6) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given that term in section 475(9).''.

SEC. 102. MULTIDISCIPLINARY, BROAD-BASED STATE CHILD WELFARE COMMISSIONS.

(a) IN GENERAL.—Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by inserting after section 1123A, the following:

''MULTIDISCIPLINARY, BROAD-BASED STATE CHILD WELFARE COMMISSIONS

''SEC. 1123B. (a) IN GENERAL.—Not later than 1 year after the date of enactment of the Working to Enhance Courts for At-Risk and Endangered Kids Act of 2005, each State administering a program established under part B or E of title IV, shall establish a permanent, multidisciplinary, broad-based commission on State child welfare programs for the purposes of—

''(1) ensuring ongoing collaboration among State, local, and tribal agencies and other community organizations that serve children who have been abused or neglected, are in foster care, or are receiving child welfare services; and

''(2) furthering the goal of providing all children with safe, permanent families in which their physical, emotional, and social needs are met.

''(b) CO-CHAIRS.—The co-chairs of the Commission shall be the Chief Justice for the State or his or her designee and the head of the State agency responsible for administering the State child welfare programs or his or her designee.

''(c) COMPOSITION.—The Commission shall include representatives of—

''(1) State, local, and tribal agencies and other community organizations that serve children who have been abused or neglected, are in foster care, or are receiving child welfare services;

''(2) schools;

''(3) health care agencies or providers;

''(4) mental health agencies or providers;

''(5) child care agencies or providers;

''(6) abuse and neglect courts;

''(7) the legal and law enforcement communities;

''(8) consumers of child welfare services, to include parents, current or former foster youth, and child advocates; and

''(9) such other organizations, entities, or individuals as the co-chairs of the Commission determine to be appropriate.

''(d) DUTIES.—The Commission shall—

''(1) monitor and report to the Secretary and the public on the extent to which the State child welfare programs and abuse and neglect courts are responsive to the needs of children in their care;

''(2) develop and submit a report to the Secretary and the public on plans to establish ongoing collaboration among State, local, and tribal agencies and other community organizations that serve children who have been abused or neglected, are in foster care, or are receiving child welfare services, which shall include recommendations for the appropriate use of aggregate data and information sharing to improve outcomes for such children;

''(3) provide ongoing continuity for the collaboration procedures established in accordance with such plan;

''(4) broaden public awareness of, and support for, meeting the needs of vulnerable children and families, including the need for sufficient mental health, health care, education, child care, and other services; and

''(5) perform such other tasks as the co-chairs of the Commission determines to be appropriate.

''(e) DEFINITIONS.—In this section:

''(1) ABUSE AND NEGLECT COURTS.—The term 'abuse and neglect courts' has the meaning given that term in section 475(8).

''(2) COMMISSION.—The term 'Commission' means the commission required to be established under subsection (a).

''(3) STATE CHILD WELFARE PROGRAMS.—The term 'State child welfare programs' means the programs authorized under parts B and E of title IV.

''(4) TRIBAL AGENCIES.—The term 'tribal agencies' means an agency of an Indian tribe (as defined in section 475(9)).''.

(b) STATE PLAN REQUIREMENT.—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)), as amended by section 101(b), is amended—

(1) in paragraph (24), by striking ''and'' at the end;

(2) in paragraph (25), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(26) provides that the State, not later than 1 year after the date of enactment of the Working to Enhance Courts for At-Risk and Endangered Kids Act of 2005, shall establish the multidisciplinary, broad-based child welfare commission required under section 1123B.''.

SEC. 103. TRAINING FOR ABUSE AND NEGLECT COURT PERSONNEL.

Section 438 of the Social Security Act (42 U.S.C. 629h), as amended by section 101(d), is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following:

''(f) TRAINING FOR ABUSE AND NEGLECT COURT PERSONNEL.—

''(1) AUTHORITY TO AWARD GRANTS.—In addition to any other funds paid to a highest State court under this section for fiscal year

2006 or any fiscal year thereafter, the Secretary shall award grants to highest State courts for the purpose of training judges, court personnel, attorneys, and other legal personnel of abuse and neglect courts on issues relevant to the proceedings conducted by such courts, such as child development and other training needs specific to that court in the State.

''(2) JOINT-TRAINING INITIATIVES.—A highest State court awarded a grant under this subsection for a fiscal year shall ensure that a significant portion of the funds made available under the grant is used for cross-training initiatives that are jointly planned and executed with the State agency responsible for administering the programs authorized under this part and part E of this title, and Indian tribes and tribal organizations located in the State.

''(3) APPROPRIATION.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for fiscal year 2006, $10,000,000 for making grants under this subsection.''.

SEC. 104. RESERVATION OF FUNDS FOR COLLABORATION SUPPORT.

Sections 436(b) and 437(b) of the Social Security Act (42 U.S.C. 629f(b), 629g(b)) are each amended by adding at the end the following:

''(4) COLLABORATION.—The Secretary shall reserve 2 percent for making grants to support the development and implementation of ongoing and meaningful collaboration among the State court leaders and abuse and neglect courts located in the State, the State agency responsible for administering the State plans under this subpart, subpart 1, and part E, and Indian tribes and tribal organizations located in the State with respect to the State plans under this subpart, subpart 1, and part E, the development and conduct of the assessments required under section 438 and the implementation of the improvements deemed necessary as a result of such assessments, and the child and family services reviews required under section 1123A (including the development and implementation of a statewide assessment as part of the conformity reviews and corrective action plans required under that section).''.

TITLE II—OUTCOME PERFORMANCE STANDARDS FOR ABUSE AND NEGLECT COURTS

SEC. 201. OUTCOME PERFORMANCE STANDARDS FOR ABUSE AND NEGLECT COURTS.

Section 438 of the Social Security Act (42 U.S.C. 629h), as amended by section 103, is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following:

''(g) OUTCOME PERFORMANCE STANDARDS FOR ABUSE AND NEGLECT COURTS.—

''(1) AUTHORITY TO AWARD GRANTS.—

''(A) IN GENERAL.—In addition to any other funds paid to a highest State court under this section for fiscal year 2006, the Secretary shall award grants to highest State courts for the purpose of developing and implementing outcome performance standards for State abuse and neglect courts in order to achieve the goals of the programs authorized under this part, part E, and the Adoption and Safe Families Act of 1997 (Public Law 105–89; 111 Stat. 2115).

''(B) REQUIREMENTS.—

''(i) IN GENERAL.—A highest State court that receives a grant under this subsection shall use funds provided under the grant to develop and implement outcome performance standards and measurements for State abuse and neglect courts with respect to the following areas:

''(I) Safety.

''(II) Permanency.

''(III) Due Process.

''(IV) Timeliness.

''(ii) RECOMMENDED STANDARDS.—Outcome performance standards and measurements developed and implemented with funds provided under a grant made under this subsection shall be reasonably in accord with recommended standards and measurements for the areas described in subclauses (I) through (IV) of clause (ii) issued by national organizations concerned with such standards and measurements.

''(2) APPLICATIONS.—In order to be eligible for a grant under this subsection, a highest State court shall submit to the Secretary an application at such time, in such form, and including such information and assurances as the Secretary shall require.

''(3) ALLOTMENTS.—

''(A) IN GENERAL.—Each highest State court which has an application approved under paragraph (2) shall be entitled to payment for a fiscal year specified in paragraph (1) from the amount appropriated pursuant to paragraph (4) for a fiscal year of an amount equal to the sum of $85,000 plus the amount described in subparagraph (B) for the fiscal year.

''(B) FORMULA.—The amount described in this subparagraph for any fiscal year is the amount that bears the same ratio to the amount appropriated pursuant to paragraph (4) for a fiscal year (reduced by the dollar amount specified in subparagraph (A) for the fiscal year) as the number of individuals in the State who have not attained 21 years of age bears to the total number of such individuals in all States with highest State courts that have approved applications under paragraph (2).

''(4) APPROPRIATION.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for fiscal year 2006, $10,000,000 for making grants under this subsection.''.

TITLE III—COURT MODEL STANDARDS

SEC. 301. STANDARDS, TRAINING, AND TECHNICAL ASSISTANCE FOR ATTORNEYS.

Section 471(a) of the Social Security Act (42 U.S.C. 671(a)), as amended by section 102(b), is amended—

(1) in paragraph (25), by striking ''and'' at the end;

(2) in paragraph (26), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(27) provides that, not later than January 1, 2009, the State shall develop and encourage the implementation of practice standards for all attorneys representing the State or local agency administering the program under this part, including standards regarding the interaction of such attorneys with other attorneys who practice before an abuse and neglect court.''.

SEC. 302. LOAN FORGIVENESS FOR ATTORNEYS WHO REPRESENT LOW-INCOME FAMILIES OR INDIVIDUALS INVOLVED IN THE FAMILY OR DOMESTIC RELATIONS COURT SYSTEM.

(a) PURPOSES.—The purposes of this section are—

(1) to encourage attorneys to enter the field of family law, juvenile law, or domestic relations law;

(2) to increase the number of attorneys who will represent low-income families and individuals, and who are trained and educated in such field; and

(3) to keep more highly trained family law, juvenile law, and domestic relations attorneys in those fields of law for longer periods of time.

(b) LOAN FORGIVENESS FOR FAMILY OR DOMESTIC RELATIONS ATTORNEYS.—Part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.) is amended by inserting after section 428K (20 U.S.C. 1078–11) the following:

''SEC. 428L. LOAN FORGIVENESS FOR FAMILY LAW, JUVENILE LAW, AND DOMESTIC RELATIONS ATTORNEYS WHO WORK IN THE DEFENSE OF LOW-INCOME FAMILIES, INDIVIDUALS, OR CHILDREN.

''(a) DEFINITIONS.—In this section:

''(1) ELIGIBLE LOAN.—The term 'eligible loan' means a loan made, insured, or guaranteed under this part or part D (excluding loans made under section 428B or 428C, or comparable loans made under part D) for attendance at a law school.

''(2) FAMILY LAW OR DOMESTIC RELATIONS ATTORNEY.—The term 'family law or domestic relations attorney' means an attorney who works in the field of family law or domestic relations, including juvenile justice, truancy, child abuse or neglect, adoption, domestic relations, child support, paternity, and other areas which fall under the field of family law or domestic relations law as determined by State law.

''(3) HIGHLY QUALIFIED ATTORNEY.—The term 'highly qualified attorney' means an attorney who has at least 2 consecutive years of experience in the field of family or domestic relations law serving as a representative of low-income families or minors.

''(b) DEMONSTRATION PROGRAM.—

''(1) IN GENERAL.—The Secretary may carry out a demonstration program of assuming the obligation to repay eligible loans for any new borrower after the date of enactment of this section who—

''(A) obtains a Juris Doctorate (JD) and takes not less than 1 law school class in family law, juvenile law, domestic relations law, or a class that the Secretary finds equivalent to any such class pursuant to regulations prescribed by the Secretary; and

''(B) has worked fulltime for a State or local government entity, or a nonprofit private entity, as a family law or domestic relations attorney on behalf of low-income individuals in the family or domestic relations court system for 2 consecutive years immediately preceding the year for which the determination was made.

''(2) AWARD BASIS.—Loan repayment under this section shall be on a first-come, first-served basis and subject to the availability of appropriations.

''(3) PRIORITY.—The Secretary shall give priority in providing loan repayment under this section for a fiscal year to student borrowers who received loan repayment under this section for the preceding fiscal year.

''(c) LOAN REPAYMENT.—

''(1) IN GENERAL.—For each eligible individual selected for the demonstration program under subsection (b), the Secretary shall assume the obligation to repay—

''(A) after the third consecutive year of employment described in subparagraph (B) of subsection (b)(1), 20 percent of the total amount of all eligible loans;

''(B) after the fourth consecutive year of such employment, 30 percent of the total amount of all eligible loans; and

''(C) after the fifth consecutive year of such employment, 50 percent of the total amount of all eligible loans.

''(2) CONSTRUCTION.—Nothing in this section shall be construed to authorize any refunding of any repayment of a loan made under this part or part D.

''(3) INTEREST.—If a portion of a loan is repaid by the Secretary under this section for any year, the proportionate amount of interest on such loan that accrues for such year shall be repaid by the Secretary.

''(4) INELIGIBILITY OF NATIONAL SERVICE AWARD RECIPIENTS.—No student borrower may, for the same service, receive a benefit

under both this section and subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12601 et seq.).

''(d) REPAYMENT TO ELIGIBLE LENDERS.—The Secretary shall pay to each eligible lender or holder for each fiscal year an amount equal to the aggregate amount of eligible loans which are subject to repayment pursuant to this section for such year.

''(e) APPLICATION FOR REPAYMENT.—

''(1) IN GENERAL.—Each eligible individual desiring loan repayment under this section shall submit a complete and accurate application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(2) CONDITIONS.—An eligible individual may apply for loan repayment under this section after completing each year of qualifying employment. The borrower shall receive forbearance while engaged in qualifying employment unless the borrower is in deferment while so engaged.

''(f) EVALUATION.—

''(1) IN GENERAL.—The Secretary shall conduct, by grant or contract, an independent national evaluation of the impact of the demonstration program assisted under this section on the field of family and domestic relations law.

''(2) COMPETITIVE BASIS.—The grant or contract described in this subsection shall be awarded on a competitive basis.

''(3) CONTENTS.—The evaluation described in this subsection shall determine whether the loan forgiveness program assisted under this section—

''(A) has increased the number of highly qualified attorneys;

''(B) has contributed to increased time on the job for family law or domestic relations attorneys, as measured by—

''(i) the length of time family law or domestic relations attorneys receiving loan forgiveness under this section have worked in the family law or domestic relations field; and

''(ii) the length of time family law or domestic relations attorneys continue to work in such field after the attorneys meet the requirements for loan forgiveness under this section;

''(C) has increased the experience and the quality of family law or domestic relations attorneys; and

''(D) has contributed to better family outcomes, as determined after consultation with the Secretary of Health and Human Services and the Attorney General.

''(4) INTERIM AND FINAL EVALUATION REPORTS.—The Secretary shall prepare and submit to the President and Congress such interim reports regarding the evaluation described in this section as the Secretary determines appropriate, and shall prepare and submit a final report regarding the evaluation by September 30, 2010.

''(g) REGULATIONS.—The Secretary is authorized to prescribe such regulations as may be necessary to carry out the provisions of this section.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $20,000,000 for fiscal year 2006, and such sums as are necessary for each of the 4 succeeding fiscal years.''.

SEC. 303. LOAN FORGIVENESS TO SOCIAL WORKERS WHO WORK FOR CHILD PROTECTIVE AGENCIES.

Part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.) is amended by inserting after section 428K (20 U.S.C. 1078–11) the following:

''SEC. 428L. LOAN FORGIVENESS FOR CHILD WELFARE WORKERS.

''(a) PURPOSES.—The purposes of this section are—

''(1) to bring more highly trained individuals into the child welfare profession; and

''(2) to keep more highly trained child welfare workers in the child welfare field for longer periods of time.

''(b) DEFINITIONS.—In this section:

''(1) CHILD WELFARE SERVICES.—The term 'child welfare services' has the meaning given the term in section 425 of the Social Security Act.

''(2) CHILD WELFARE AGENCY.—The term 'child welfare agency' means the State agency responsible for administering subpart 1 of part B of title IV of the Social Security Act and any public or private agency under contract with the State agency to provide child welfare services.

''(3) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 101.

''(4) STATE.—The term 'State' has the meaning given the term in section 1101(a)(1) of the Social Security Act for purposes of title IV of such Act, and includes an Indian tribe.

''(c) DEMONSTRATION PROGRAM.—

''(1) IN GENERAL.—The Secretary may carry out a demonstration program of assuming the obligation to repay, pursuant to subsection (d), a loan made, insured, or guaranteed under this part or part D (excluding loans made under sections 428B and 428C, or comparable loans made under part D) for any new borrower after the date of enactment of this section, who—

''(A) obtains a bachelor's or master's degree in social work;

''(B) obtains employment in public or private child welfare services; and

''(C) has worked full time as a social worker for 2 consecutive years preceding the year for which the determination is made.

''(2) AWARD BASIS; PRIORITY.—

''(A) AWARD BASIS.—Subject to subparagraph (B), loan repayment under this section shall be on a first-come, first-served basis and subject to the availability of appropriations.

''(B) PRIORITY.—The Secretary shall give priority in providing loan repayment under this section for a fiscal year to student borrowers who received loan repayment under this section for the preceding fiscal year.

''(3) OUTREACH.—The Secretary shall post a notice on a Department Internet Web site regarding the availability of loan repayment under this section, and shall notify institutions of higher education regarding the availability of loan repayment under this section.

''(4) REGULATIONS.—The Secretary is authorized to prescribe such regulations as may be necessary to carry out the provisions of this section.

''(d) LOAN REPAYMENT.—

''(1) IN GENERAL.—For each eligible individual selected for the demonstration program under subsection (c), the Secretary shall assume the obligation to repay—

''(A) after the third consecutive year of employment described in subsection (c)(1)(C), 20 percent of the total amount of all loans made under this part or part D (excluding loans made under section 428B or 428C, or comparable loans made under part D) for any new borrower after the date of enactment of this section;

''(B) after the fourth consecutive year of such employment, 30 percent of the total amount of such loans; and

''(C) after the fifth consecutive year of such employment, 50 percent of the total amount of such loans.

''(2) CONSTRUCTION.—Nothing in this section shall be construed to authorize the refunding of any repayment of a loan made under this part or part D.

''(3) INTEREST.—If a portion of a loan is repaid by the Secretary under this section for any year, the proportionate amount of interest on such loan which accrues for such year shall be repaid by the Secretary.

''(4) SPECIAL RULE.—In the case of a student borrower not participating in loan repayment pursuant to this section who returns to an institution of higher education after graduation from an institution of higher education for the purpose of obtaining a degree described in subsection (c)(1)(A), the Secretary may assume the obligation to repay the total amount of loans made under this part or part D incurred for returning to an institution of higher education for the purpose of obtaining such a degree for a maximum of 2 academic years. Such loans shall only be repaid for borrowers who qualify for loan repayment pursuant to the provisions of this section, and shall be repaid in accordance with the provisions of paragraph (1).

''(5) INELIGIBILITY OF NATIONAL SERVICE AWARD RECIPIENTS.—No student borrower may, for the same service, receive a benefit under both this section and subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12601 et seq.).

''(e) REPAYMENT TO ELIGIBLE LENDERS.—The Secretary shall pay to each eligible lender or holder for each fiscal year an amount equal to the aggregate amount of loans that are subject to repayment pursuant to this section for such year.

''(f) APPLICATION FOR REPAYMENT.—

''(1) IN GENERAL.—Each eligible individual desiring loan repayment under this section shall submit a complete and accurate application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(2) CONDITIONS.—An eligible individual may apply for loan repayment under this section after completing each year of qualifying employment. The borrower shall receive forbearance while engaged in qualifying employment unless the borrower is in deferment while so engaged.

''(g) EVALUATION.—

''(1) IN GENERAL.—The Secretary shall conduct, by grant or contract, an independent national evaluation of the impact of the demonstration program assisted under this section on the field of child welfare services.

''(2) COMPETITIVE BASIS.—The grant or contract described in paragraph (1) shall be awarded on a competitive basis.

''(3) CONTENTS.—The evaluation described in this subsection shall determine—

''(A) whether the loan forgiveness program has increased child welfare workers' education in the areas covered by loan forgiveness;

''(B) whether the loan forgiveness program has contributed to increased time on the job for child welfare workers as measured by—

''(i) the length of time child welfare workers receiving loan forgiveness have worked in the child welfare field; and

''(ii) the length of time such workers continue to work in such field after the workers meet the requirements for loan forgiveness under this section; and

''(C) whether the loan forgiveness program has increased the experience and quality of child welfare workers and has contributed to increased performance in the outcomes of child welfare services in terms of child well-being, permanency, and safety, as determined after consultation with the Secretary of Health and Human Services.

''(4) INTERIM AND FINAL EVALUATION REPORTS.—The Secretary shall prepare and submit to the President and Congress such interim reports regarding the evaluation described in this subsection as the Secretary determines appropriate, and shall prepare and so submit a final report regarding the evaluation by September 30, 2010.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $20,000,000 for fiscal year 2006, and such sums as may be necessary for each of the 4 succeeding fiscal years.''.

SEC. 304. REAUTHORIZATION OF COURT-APPOINTED SPECIAL ADVOCATE (CASA) PROGRAMS AND INCREASED FUNDING FOR EXPANSION IN RURAL AND UNDERSERVED URBAN AREAS.

(a) IN GENERAL.—Section 218(a) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13014(a)) is amended by striking ''$12,000,000 for each of fiscal years 2001 through 2005'' and inserting ''$17,000,000 for each of fiscal years 2006 through 2010''.

(b) GRANTS FOR EXPANSION IN RURAL AND UNDERSERVED URBAN AREAS.—Section 217(c)(3) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13013(c)(3)) is amended—

(1) by inserting ''(A)'' after ''(3)''; and

(2) by adding at the end the following:

''(B) Of the amount appropriated for each of fiscal years 2006 through 2010 to carry out this subtitle, the Administrator shall use not less than $5,000,000 of such amount to make grants for the purpose of developing or expanding court-appointed special advocate programs in rural and underserved urban areas.''.

TITLE IV—CLARIFICATION ON STATE FLEXIBILITY FOR PUBLIC ACCESS TO COURTS

SEC. 401. CLARIFICATION ON STATE FLEXIBILITY FOR PUBLIC ACCESS TO COURTS.

Section 471 of the Social Security Act (42 U.S.C. 671) is amended—

(1) in paragraph (8) of subsection (a), by inserting ''subject to subsection (c),'' after ''(8)''; and

(2) by adding at the end the following:

''(c) Nothing in paragraph (8) of subsection (a) shall be construed to limit the flexibility of a State to determine State policies relating to the public access to court proceedings to determine child abuse or neglect or other court hearings held pursuant to requirements under this part or part B, except that such policies shall, at a minimum, ensure the safety and well-being of the child, parents, and family.''.

TITLE V—COURT LEADERSHIP

SEC. 501. SENSE OF THE SENATE REGARDING STATE COURT LEADERSHIP.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that the Chief Justice for each State and other State court leadership should take the lead in providing for the health, safety, and permanency of children before State abuse and neglect courts through measures such as the following:

(1) Establishing an office on children before State abuse and neglect courts within the State administrative office of the courts.

(2) Organizing State courts so that abuse and neglect cases are heard in dedicated courts or departments, rather than in departments with jurisdiction over multiple issues, where feasible.

(3) Actively promoting—

(A) resource, workload, and training standards for abuse and neglect court judges, attorneys, and other court personnel;

(B) standards of practice for abuse and neglect court judges; and

(C) codes of judicial conduct that support the practices of problem-solving courts such as abuse and neglect courts.

(4) Establishing State court procedures that enable and encourage judges who have demonstrated competence in proceedings before State abuse and neglect courts to build careers on serving on such courts.

(b) DEFINITION OF ABUSE AND NEGLECT COURT.—In this section, the term ''abuse and neglect court'' has the meaning given that term in section 475(8) of the Social Security Act (as added by section 101(d)).

TITLE VI—SAFE AND TIMELY INTERSTATE PLACEMENT OF FOSTER CHILDREN

SEC. 601. SENSE OF CONGRESS.

(a) FINDING.—Congress finds that the Interstate Compact on the Placement of Children (ICPC) was drafted more than 40 years ago, is outdated, and is a barrier to the timely placement of children across State lines.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the States should expeditiously revise the ICPC to better serve the interests of children and reduce unnecessary work, and that the revision should include—

(1) limiting its applicability to children in foster care under the responsibility of a State, except those seeking placement in a licensed residential facility primarily to access clinical mental health services; and

(2) providing for deadlines for the completion and approval of home studies as set forth in the amendments made by section 603.

SEC. 602. ORDERLY AND TIMELY PROCESS FOR INTERSTATE PLACEMENT OF CHILDREN.

Section 471(a) of the Social Security Act (42 U.S.C. 671(a)), as amended by section 301, is amended—

(1) by striking ''and'' at the end of paragraph (24);

(2) by striking the period at the end of paragraph (25) and inserting ''; and''; and

(3) by adding at the end the following:

''(26) provide that the State shall have in effect procedures for the orderly and timely interstate placement of children, and procedures implemented in accordance with an interstate compact approved by the Secretary, if incorporating with the procedures prescribed by paragraph (27), shall be considered to satisfy the requirement of this paragraph.''.

SEC. 603. HOME STUDIES.

(a) ORDERLY PROCESS.—

(1) IN GENERAL.—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)), as amended by section 602, is amended—

(A) by striking ''and'' at the end of paragraph (25);

(B) by striking the period at the end of paragraph (26) and inserting ''; and''; and

(C) by adding at the end the following:

''(27) provides that—

''(A)(i) within 60 days after the State receives from another State a request to conduct a study of a home environment for purposes of assessing the appropriateness of placing a child in the home, the State shall, directly or by contract—

''(I) conduct and complete the study; and

''(II) return to the other State a report on the results of the study, which shall address the extent to which placement in the home would meet the needs of the child; and

''(ii) in the case of a home study begun on or before September 30, 2007, if the State fails to comply with clause (i) within the 60-day period as a result of circumstances beyond the control of the State (such as a failure by a Federal agency to provide the results of a background check, or the failure by any entity to provide completed medical forms, requested by the State at least 45 days before the end of the 60-day period), the State shall have 75 days to comply with clause (i) if the State documents the circumstances involved and certifies that completing the home study is in the best interests of the child; except that

''(iii) this subparagraph shall not be construed to require the State to have completed, within the applicable period, the parts of the home study involving the education and training of the prospective foster or adoptive parents;

''(B) the State shall treat any report described in subparagraph (A) that is received from another State or an Indian tribe (or from a private agency under contract with another State) as meeting any requirements imposed by the State for the completion of a home study before placing a child in the home, unless, within 14 days after receipt of the report, the State determines, based on grounds that are specific to the content of the report, that making a decision in reliance on the report would be contrary to the welfare of the child; and

''(C) the State shall not impose any restriction on the ability of a State agency administering, or supervising the administration of, a State program operated under a State plan approved under this part to contract with a private agency for the conduct of a home study described in subparagraph (A).''.

(2) SENSE OF CONGRESS.—It is the sense of Congress that each State should—

(A) use private agencies to conduct home studies when doing so is necessary to meet the requirements of section 471(a)(27) of the Social Security Act; and

(B) give full faith and credit to any home study report completed by any other State or an Indian tribe with respect to the placement of a child in foster care or for adoption.

(b) TIMELY INTERSTATE HOME STUDY INCENTIVE PAYMENTS.—Part E of title IV of the Social Security Act (42 U.S.C. 670–679b) is amended by inserting after section 473A the following:

''SEC. 473B. TIMELY INTERSTATE HOME STUDY INCENTIVE PAYMENTS.

''(a) GRANT AUTHORITY.—The Secretary shall make a grant to each State that is a home study incentive-eligible State for a fiscal year in an amount equal to the timely interstate home study incentive payment payable to the State under this section for the fiscal year, which shall be payable in the immediately succeeding fiscal year.

''(b) HOME STUDY INCENTIVE-ELIGIBLE STATE.—A State is a home study incentive-eligible State for a fiscal year if—

''(1) the State has a plan approved under this part for the fiscal year;

''(2) the State is in compliance with subsection (c) for the fiscal year; and

''(3) based on data submitted and verified pursuant to subsection (c), the State has completed a timely interstate home study during the fiscal year.

''(c) DATA REQUIREMENTS.—

''(1) IN GENERAL.—A State is in compliance with this subsection for a fiscal year if the State has provided to the Secretary a written report, covering the preceding fiscal year, that specifies—

''(A) the total number of interstate home studies requested by the State with respect to children in foster care under the responsibility of the State and, with respect to each such study, the identity of the other State involved; and

''(B) the total number of timely interstate home studies completed by the State with respect to children in foster care under the responsibility of other States and, with respect to each such study, the identity of the other State involved.

''(2) VERIFICATION OF DATA.—In determining the number of timely interstate home studies to be attributed to a State under this section, the Secretary shall check the data provided by the State under paragraph (1) against complementary data so provided by other States.

''(d) TIMELY INTERSTATE HOME STUDY INCENTIVE PAYMENTS.—

''(1) IN GENERAL.—The timely interstate home study incentive payment payable to a State for a fiscal year shall be $1,500 multiplied by the number of timely interstate home studies attributed to the State under

this section during the fiscal year, subject to paragraph (2).

''(2) PRO RATA ADJUSTMENT IF INSUFFICIENT FUNDS AVAILABLE.—If the total amount of timely interstate home study incentive payments otherwise payable under this section for a fiscal year exceeds the total of the amounts made available pursuant to subsection (h) for the fiscal year (reduced (but not below zero) by the total of the amounts (if any) payable under paragraph (3) of this subsection with respect to the preceding fiscal year), the amount of each such otherwise payable incentive payment shall be reduced by a percentage equal to—

''(A) the total of the amounts so made available (as so reduced); divided by

''(B) the total of such otherwise payable incentive payments.

''(3) APPROPRIATIONS AVAILABLE FOR UNPAID INCENTIVE PAYMENTS FOR PRIOR FISCAL YEARS.—

''(A) IN GENERAL.—If payments under this section are reduced under paragraph (2) or subparagraph (B) of this paragraph for a fiscal year, then, before making any other payment under this section for the next fiscal year, the Secretary shall pay each State whose payment was so reduced an amount equal to the total amount of the reductions which applied to the State, subject to subparagraph (B) of this paragraph.

''(B) PRO RATA ADJUSTMENT IF INSUFFICIENT FUNDS AVAILABLE.—If the total amount of payments otherwise payable under subparagraph (A) of this paragraph for a fiscal year exceeds the total of the amounts made available pursuant to subsection (h) for the fiscal year, the amount of each such payment shall be reduced by a percentage equal to—

''(i) the total of the amounts so made available; divided by

''(ii) the total of such otherwise payable payments.

''(e) TWO-YEAR AVAILABILITY OF INCENTIVE PAYMENTS.—Payments to a State under this section in a fiscal year shall remain available for use by the State through the end of the next fiscal year.

''(f) LIMITATIONS ON USE OF INCENTIVE PAYMENTS.—A State shall not expend an amount paid to the State under this section except to provide to children or families any service (including post-adoption services) that may be provided under part B or E. Amounts expended by a State in accordance with the preceding sentence shall be disregarded in determining State expenditures for purposes of Federal matching payments under sections 423, 434, and 474.

''(g) DEFINITIONS.—In this section:

''(1) HOME STUDY.—The term 'home study' means a study of a home environment, conducted in accordance with applicable requirements of the State in which the home is located, for the purpose of assessing whether placement of a child in the home would be appropriate for the child.

''(2) INTERSTATE HOME STUDY.—The term 'interstate home study' means a home study conducted by a State at the request of another State, to facilitate an adoptive or relative placement in the State.

''(3) TIMELY INTERSTATE HOME STUDY.—The term 'timely interstate home study' means an interstate home study completed by a State if the State provides to the State that requested the study, within 30 days after receipt of the request, a report on the results of the study. The preceding sentence shall not be construed to require the State to have completed, within the 30-day period, the parts of the home study involving the education and training of the prospective foster or adoptive parents.

''(h) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—For payments under this section, there are authorized to be appropriated to the Secretary, $10,000,000 for each of fiscal years 2006 through 2009.—

''(2) AVAILABILITY.—Amounts appropriated under paragraph (1) are authorized to remain available until expended.''.

(c) REPEALER.—Effective October 1, 2009, section 473B of the Social Security Act is repealed.

SEC. 604. REQUIREMENT TO COMPLETE BACKGROUND CHECKS BEFORE APPROVAL OF ANY FOSTER OR ADOPTIVE PLACEMENT AND TO CHECK CHILD ABUSE REGISTRIES; GRANDFATHER OF OPT-OUT ELECTION; LIMITED NONAPPLICATION.

Section 471(a)(20) of the Social Security Act (42 U.S.C. 671(a)(20)) is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i)—

(i) by striking ''unless an election provided for in subparagraph (B) is made with respect to the State'' and inserting ''except as provided in clause (iii)'';

(ii) by striking ''on whose behalf foster care maintenance payments or adoption assistance payments are to be made'' and inserting ''regardless of whether foster care maintenance payments or adoption assistance payments are to be made on behalf of the child'';

(B) in each of clauses (i) and (ii), by inserting ''involving a child on whose behalf such payments are to be so made'' after ''in any case''; and

(C) by striking ''and'' at the end of clause (ii); and

(D) by adding at the end the following:

''(iii) clauses (i) and (ii) shall not apply to the State if—

''(I) the State elected on or before September 30, 2005, to make this subparagraph (as in effect on or before such date) inapplicable to the State; or

''(II) a record check conducted in accordance with clause (i) or (ii) which reveals a felony conviction or crime described in such clause and is the basis for denying a placement would conflict with a requirement of State's constitution; and'';

(2) by striking subparagraph (B) and inserting the following:

''(B) provides that the State shall—

''(i) check any child abuse and neglect registry maintained by the State for information on any prospective foster or adoptive parent and on any other adult living in the home of such a prospective parent, and request any other State in which any such prospective parent or other adult has resided in the preceding 5 years, to enable the State to check any child abuse and neglect registry maintained by such other State for such information, before the prospective foster or adoptive parent may be finally approved for placement of a child, regardless of whether foster care maintenance payments or adoption assistance payments are to be made on behalf of the child under the State plan under this part;

''(ii) comply with any request described in clause (i) that is received from another State;

''(iii) have in place safeguards to prevent the unauthorized disclosure of information in any child abuse and neglect registry maintained by the State, and to prevent any such information obtained pursuant to this subparagraph from being used for a purpose other than the conducting of background checks in foster or adoptive placement cases; and

''(iv) not deny a placement on the basis of information determined as a result of a check conducted in accordance with clause (i) or (ii) if denying a placement on such basis would conflict with a requirement of a State's constitution;''.

SEC. 605. COURTS ALLOWED ACCESS TO THE FEDERAL PARENT LOCATOR SERVICE TO LOCATE PARENTS IN FOSTER CARE OR ADOPTIVE PLACEMENT CASES.

Section 453(c) of the Social Security Act (42 U.S.C. 653(c)) is amended—

(1) by striking ''and'' at the end of paragraph (3);

(2) by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(5) any court which has authority with respect to the placement of a child in foster care or for adoption, but only for the purpose of locating a parent of the child.''.

SEC. 606. CASEWORKER VISITS.

(a) PURCHASE OF SERVICES IN INTERSTATE PLACEMENT CASES.—Section 475(5)(A)(ii) of the Social Security Act (42 U.S.C. 675(5)(A)(ii)) is amended by striking ''or of the State in which the child has been placed'' and inserting ''of the State in which the child has been placed, or of a private agency under contract with either such State''.

(b) INCREASED VISITS.—Section 475(5)(A)(ii) of such Act (42 U.S.C. 675(5)(A)(ii)) is amended by striking ''12'' and inserting ''6''.

SEC. 607. HEALTH AND EDUCATION RECORDS.

Section 475 of the Social Security Act (42 U.S.C. 675) is amended—

(1) in paragraph (1)(C)—

(A) by striking ''To the extent available and accessible, the'' and inserting ''The''; and

(B) by inserting ''the most recent information available regarding'' after ''including''; and

(2) in paragraph (5)(D)—

(A) by inserting ''a copy of the record is'' before ''supplied''; and

(B) by inserting '', and is supplied to the child at no cost at the time the child leaves foster care if the child is leaving foster care by reason of having attained the age of majority under State law'' before the semicolon.

SEC. 608. RIGHT TO BE HEARD IN FOSTER CARE PROCEEDINGS.

(a) IN GENERAL.—Section 475(5)(G) of the Social Security Act (42 U.S.C. 675(5)(G)) is amended—

(1) by striking ''an opportunity'' and inserting ''a right'';

(2) by striking ''and opportunity'' and inserting ''and right''; and

(3) by striking ''review or hearing'' each place it appears and inserting ''proceeding''.

(b) NOTICE OF PROCEEDING.—Section 438(b) of such Act (42 U.S.C. 638(b)) is amended by inserting ''shall have in effect a rule requiring State courts to ensure that foster parents, preadoptive parents, and relative caregivers of a child in foster care under the responsibility of the State are notified of any proceeding to be held with respect to the child, and'' after ''highest State court''.

SEC. 609. COURT IMPROVEMENT.

Section 438(a)(1) of the Social Security Act (42 U.S.C. 629h(a)(1)) is amended—

(1) by striking ''and'' at the end of subparagraph (C); and

(2) by adding at the end the following:

''(E) that determine the best strategy to use to expedite the interstate placement of children, including—

''(i) requiring courts in different States to cooperate in the sharing of information;

''(ii) authorizing courts to obtain information and testimony from agencies and parties in other States without requiring interstate travel by the agencies and parties; and

''(iii) permitting the participation of parents, children, other necessary parties, and attorneys in cases involving interstate placement without requiring their interstate travel; and''.

SEC. 610. REASONABLE EFFORTS.

(a) IN GENERAL.—Section 471(a)(15)(C) of the Social Security Act (42 U.S.C. 671(a)(15)(C)) is amended by inserting ''(including, if appropriate, through an interstate placement)'' after ''accordance with the permanency plan''.

(b) PERMANENCY HEARING.—Section 471(a)(15)(E)(i) of such Act (42 U.S.C. 671(a)(15)(E)(i)) is amended by inserting '', which considers in-State and out-of-State permanent placement options for the child,'' before ''shall''.

(c) CONCURRENT PLANNING.—Section 471(a)(15)(F) of such Act (42 U.S.C. 671(a)(15)(F)) is amended by inserting '', including identifying appropriate out-of-State relatives and placements'' before ''may''.

SEC. 611. CASE PLANS.

Section 475(1)(E) of the Social Security Act (42 U.S.C. 675(1)(E)) is amended by inserting ''to facilitate orderly and timely in-State and interstate placements'' before the period.

SEC. 612. CASE REVIEW SYSTEM.

Section 475(5)(C) of the Social Security Act (42 U.S.C. 675(5)(C)) is amended—

(1) by inserting '', in the case of a child who will not be returned to the parent, the hearing shall consider in-State and out-of-State placement options,'' after ''living arrangement''; and

(2) by inserting ''the hearing shall determine'' before ''whether the''.

SEC. 613. USE OF INTERJURISDICTIONAL RESOURCES.

Section 422(b)(12) of the Social Security Act (42 U.S.C. 622(b)(12)) is amended—

(1) by striking ''develop plans for the'' and inserting ''make'';

(2) by inserting ''(including through contracts for the purchase of services)'' after ''resources''; and

(3) by inserting '', and shall eliminate legal barriers,'' before ''to facilitate''.

TITLE VII—EFFECTIVE DATE

SEC. 701. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in this section, the amendments made by this Act shall take effect on October 1, 2005, and shall apply to payments under parts B and E of title IV of the Social Security Act for calendar quarters beginning on or after such date, without regard to whether regulations to implement the amendments are promulgated by such date.

(b) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—If the Secretary of Health and Human Services determines that State legislation (other than legislation appropriating funds) is required in order for a State plan under part B or E of title IV of the Social Security Act to meet the additional requirements imposed by the amendments made by a provision of this Act, the plan shall not be regarded as failing to meet any of the additional requirements before the 1st day of the 1st calendar quarter beginning after the 1st regular session of the State legislature that begins after the date of enactment of this Act. If the State has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

Mr. ROCKEFELLER. Mr. President, I am proud to join my friend and colleague, Senator MIKE DEWINE in introducing new legislation to promote better cooperation and collaboration between the courts and State agencies serving abused and neglected children. Our bill also seeks to improve the process for children to be adopted between two States, and gain a safe, permanent home that is one of the priorities established in the 1997 Adoption and Safe Families Act. Our bill is named Working to Enhance Courts for At-Risk and Endangered Kids Act of 2005, WE CARE, Kids.

Senator DEWINE and I have worked for years in bipartisan coalition to improve services and policies for our most vulnerable children, nearly 500,000 children who are in the foster care system. These children deserve our attention and our compassion. Through no fault of their own, such children are placed in foster care for their safety. They need to be safe, but they also need prompt and good decisions made for their long-term future and stability. Whenever possible, we should invest to help restore the family and reunite the children with their families if we know that they will be safe. In some cases, legal guardianship or adoption are the best options for the child. It is essential to make good decisions in a timely manner for such children. The social services agencies and the courts truly must work together on such cases.

Recently the bipartisan Pew Commission on Children in Foster Care issued a thoughtful report with recommendations on how to strengthen the courts serving children in foster care. The Commission was led by former Congressman Bill Frenzel and co-chaired by former Congressman Bill Gray. It includes a wide range of leaders and experts. The commission did a careful review of the role of the courts in serving children in foster care, and it issued a series of recommendations. We are grateful for this report and relied on many of their recommendations in crafting this legislation. As always, we hope to forge bipartisan consensus on ways to move this bill forward.

The legislation also includes a provision to promote inter-state adoptions. With modern technology, caring families from one State may learn of a child in a foster care system in another State who is seeking adoption. When this happens, we need to be careful and thorough in accessing information to ensure the right placement. But we also must be sure that bureaucratic paperwork does not unnecessarily delay an adoption.

In West Virginia, there are about 80 children in our State foster care system ready for adoption; nationwide 118,000 children are in foster care and waiting for a safe permanent home. The wake of Hurricane Katrina and the Meth Epidemic in regions of our country, tragically could make these numbers increase. We must improve our system to do the best we can for these vulnerable children. Passing the WE CARE, Kids Act could be an important step forward.

By Mr. CORNYN:

S. 1680. A bill to reform the issuance of national security letters; to the Committee on the Judiciary.

Mr. CORNYN. Mr. President, it has been nearly 4 years since the terrorist attacks of September 11, 2001. In the days, weeks, and months since that day, the American people have braced themselves for the possibility of another terrorist attack on our homeland. After all, we know all too well that al Qaeda is a stealthy, sophisticated, and patient enemy, and that its leadership is extremely motivated to launch another devastating attack on American citizens and American soil.

In fact, outside the United States, al Qaeda and affiliates of al Qaeda have continued to be remarkably active, responsible for numerous terrorist attacks over the last few years, spanning the globe from Pakistan to Bali to Spain to London.

It is precisely because al Qaeda is so aggressive, so motivated, and so demonstrably hostile to America that I am so grateful that, to date, al Qaeda still has not successfully launched another terrorist attack on our soil. There are undoubtedly many reasons for this. First and foremost, I am profoundly thankful to the brave men and women of our Armed Forces, who fight the terrorists abroad so that we do not have to face them at home. I also firmly believe that our efforts to strengthen anti-terrorism and law enforcement tools right here at home have much to do with this record of success and peace in our homeland to date.

The war on terrorism must be fought aggressively—but consistent with the protection of civil rights and civil liberties. Whenever real civil liberties problems do arise, we must learn about them right away, so that we can fix them swiftly.

Last year, Federal judge struck down a portion of the Electronic Communications Privacy Act of 1986. This law balanced the national interest in protecting electronic communications privacy against the legitimate needs of national security, by establishing a procedure for obtaining electronic communications records in certain national security investigations through the use of so-called ''national security letters.'' The USA PATRIOT Act amended the law to make clear that such letters could be issued in terrorism investigations as well.

This provision was passed by the Senate on a voice vote, and shortly thereafter it passed the House by unanimous consent.

The primary reason the court struck down this provision was that the right to judicial review was not expressly written into the text of the law. It is important to note that the ability to scrutinize the issuance of national security letters was not actually disputed by the government. To the contrary, the Justice Department agreed that there should be judicial review. The court simply concluded that the 1986 law was not drafted with sufficient clarity to authorize such review.

I have previously introduced legislation to remedy the defects noted by the District Judge. That legislation amended the Electronic Communications Privacy Act to make explicit the

availability of judicial review to examine national security letters. However, national security letters are also available outside the Title 18 context. For instance, Title 15 allows the government to obtain consumer information maintained by consumer reporting agencies; Title 12 allows the government to obtain the financial records maintained by financial institutions; and Title 50 allows the government to obtain records about persons with access to classified information who may have disclosed classified information to a foreign power.

It is important to make sure that the right to judicial review is statutorily available in all national security letter contexts. The bill I am introducing today expressly authorizes a recipient to challenge any national security letter in court. It also: details the procedure the government must follow to substantiate its use of a national security letter; allows the government to present classified information to the court so that it can properly evaluate the challenge; and specifies that a recipient of a national security letter may consult with legal counsel about its obligations.

I hope that this legislation will be enacted in the same bipartisan spirit that put both the Electronic Communications Privacy Act and the USA PATRIOT Act on the books.

By Mr. OBAMA (for himself, Mr. BAYH, Mr. HARKIN, Mr. LEVIN, Mr. CORZINE, Mr. FEINGOLD, Mr. BINGAMAN, Mr. KENNEDY, Mrs. MURRAY, and Mr. SALAZAR):

S. 1685. A bill to ensure the evacuation of individuals with special needs in times of emergency; to the Committee on Homeland Security and Governmental Affairs.

Mr. OBAMA. Mr. President, one of the most striking things about the devastation caused by Hurricane Katrina is that the majority of stranded victims were our society's most vulnerable members—low-income families, the elderly, the homeless, the disabled. Many did not own cars. Many believed themselves unable to flee the city, unable to forego the income from missed work, unable to incur the expenses of travel, food and lodging. Some may have misunderstood the severity of the warnings, if they heard the warnings at all. Some may have needed help that was unavailable. Whatever the reason, they were not evacuated and we have seen the horrific results.

This failure to evacuate so many of the most desperate citizens of the Gulf Coast leads me to introduce today a bill to require states and the nation to consider the needs of our neediest citizens in times of emergency.

It appears that certain assumptions were made in planning and preparing for the worst case scenario in the Gulf Coast. After all, most of those who could afford to evacuate managed to do so. They drove out of town and checked into hotels or stayed with friends and family. But what about the thousands of people left behind because they had special needs?

How many of us will forget the tragedy that occurred at St. Rita's Nursing Home in St. Bernard Parish, LA, where an estimated 32 of the 60 residents perished in the rising floodwaters in the aftermath of Hurricane Katrina?

Our charge as public servants is to worry about all of the people. I am troubled that our emergency response and disaster plans were inadequate for large segments of the Gulf Coast population. I wonder whether the plans in other regions are adequate. Perfect evacuation planning is obviously impractical, but greater advance preparation can ensure that the most vulnerable are not simply forgotten or ignored.

That's why the bill I am introducing today, along with co-sponsors Senators BAYH, MURRAY, HARKIN, LEVIN, CORZINE, FEINGOLD, BINGAMAN and KENNEDY, requires the Secretary of the Department of Homeland Security to mandate each State to include plans for the evacuation of individuals with special needs during times of emergency. Such plans should not only include an explanation of how these people—low income individuals and families, the elderly, the disabled, those who cannot speak English—will be evacuated out of the emergency area and how the states will provide shelter, food, and water, to these people once evacuated.

Communities with special needs may be more challenging to accommodate, but they are every bit as important to protect and serve in the event of an emergency.

What we saw in the Gulf Coast cannot be repeated. We may not be able to control the wrath of Mother Nature, but we can control how we prepare for natural disasters.

I hope my colleagues will join me in supporting this legislation.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1687. Ms. STABENOW (for herself and Mr. CORZINE) submitted an amendment intended to be proposed by her to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 1688. Ms. STABENOW (for herself, Mr. VITTER, Mr. MCCAIN, Mr. DORGAN, Mr. DURBIN, Mr. LEVIN, and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1689. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1690. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1691. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1692. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1693. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1694. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 2862, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1687. Ms. STABENOW (for herself and Mr. CORZINE) submitted an amendment intended to be proposed by her to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 190, between lines 14 and 15, insert the following:

Sec. 522. (a) There are appropriated out of any money in the Treasury not otherwise appropriated for the fiscal year ending September 30, 2006, $5,000,000,000 for interoperable communications equipment grants under State and local programs administered by the Office of State and Local Government Coordination and Preparedness of the Department of Homeland Security.

(b) The amount under subsection (a) is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

SA 1688. Ms. STABENOW (for herself, Mr. VITTER, Mr. MCCAIN, Mr. DORGAN, Mr. DURBIN, Mr. LEVIN, and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. None of the funds made available in this Act may be used to include in any bilateral or multilateral trade agreement the text of—

(1) paragraph 2 of article 16.7 of the United States-Singapore Free Trade Agreement;

(2) paragraph 4 of article 17.9 of the United States-Australia Free Trade Agreement; or

(3) paragraph 4 of article 15.9 of the United States-Morocco Free Trade Agreement.

SA 1689. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 158, line 10, after ''Service,'' insert ''$1,000,000 shall be for the costs of the predesign, schematic, and design development phases of a shared-use facility for the University of Miami and the National Oceanic and Atmospheric Administration to be located in Virginia Key, and'':

SA 1690. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 158, line 10, after ''Service,'' insert ''$2,000,000 shall be for National Oceanic and Atmospheric Administration for advanced remote sensing programs at the Center for Southeastern Tropical Advanced Remote Sensing, and'':

SA 1691. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 170, between lines 9 and 10, insert the following:

SEC. 304. None of the funds made available by this Act may be used to undermine or otherwise limit the ability of the National Oceanic and Atmospheric Administration to continue—

(1) to make available forecasts and warnings of the National Weather Service, in a timely, open, and unrestricted manner using widely accepted information standards, including the Internet; or

(2) to cooperate closely with public safety agencies and other entities, including private sector entities and the media, to achieve the widest possible understanding of information critical to the protection of life and property and the enhancement of the economy of the United States.

SA 1692. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, line 17, strike ''$4,889,649,000'' and insert ''$4,870,349,000''.

On page 165, line 24, strike ''$4,345,213,000'' and insert ''$4,364,513,000''.

On page 166, strike lines 2 and 3 and insert ''$67,300,000 shall be transferred from the National Science Foundation to the U.S. Coast Guard for operation and maintenance of the three polar icebreakers of the U.S. Coast Guard or in''.

SA 1693. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 170, between lines 9 and 10, insert the following:

SEC. 304. (a) The Administrator of the National Aeronautics and Space Administration and the Director of the National Science Foundation shall each establish a database system to assess the effectiveness of the measures taken by the National Aeronautics and Space Administration or the National Science Foundation, respectively, to monitor and effectuate the compliance of educational institutions receiving Federal financial assistance from the National Aeronautics and Space Administration or the National Science Foundation, respectively, with title IX of the Education Amendments of 1972.

(b) The information collected and stored by a database system described in subsection (a) shall include—

(1) the key characteristics of each investigator and co-investigator for an application or proposal for Federal financial assistance, including sex, race and ethnicity, institution of higher education attended, degree earned, including the area or discipline and year of the degree, and, for an investigator or co-investigator in postsecondary education, type of academic appointment; and

(2) the amount requested in and the amount awarded for each application or proposal.

(c) In this section:

(1) The term ''investigator'' means the individual associated with an educational institution who submits an application or proposal, on behalf of the institution, for Federal financial assistance from the National Aeronautics and Space Administration or the National Science Foundation.

(2) The term ''co-investigator'' means an individual who is listed on an application or proposal for Federal financial assistance from the National Aeronautics and Space Administration or the National Science Foundation as an individual who will collaborate on the program or activity described in the application or proposal but who is not the investigator for such application or proposal.

SA 1694. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 142, after line 3, insert the following:

SEC.____. The Attorney General shall waive the matching requirement for the purchase of bulletproof vests through the Bulletproof Vest Partnership Grant Act of 1998 for any law enforcement agency that purchased defective Zylon-based body armor with Federal funds pursuant to such Act between October 1, 1998, and September 30, 2005, and seeks to replace that Zylon-based body armor, provided that the law enforcement agency can present documentation to prove the purchase of Zylon-based body armor with funds awarded to it under such Act.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. COBURN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on the nomination of John G. Roberts to be Chief Justice of the United States on Monday, September 12, 2005 at 12 p.m. in the Russell Senate Office Building, Room 325.

Witness List

Panel I: The Honorable Richard G. Lugar, U.S. Senator [R–IN]; the Honorable John Warner, U.S. Senator [R–VA]; the Honorable Evan Bayh, United States Senator [D–IN].

Panel II: The Honorable John G. Roberts.

The PRESIDING OFFICER. Without objection it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. LEAHY. Mr. President, I ask unanimous consent that Sally Hamlin, a legislative fellow in my office, be granted the privilege of the floor for the remainder of debate on S.J. Res. 20.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURES READ THE FIRST TIME EN BLOC—S. 1681, S. 1682, S. 1683, 1684, AND S. 1688

Mr. FRIST. Mr. President, I understand there are five bills at the desk, and I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1681) to provide for reimbursement of communities for purchases of supplies distributed to Katrina Survivors.

A bill (S. 1682) to provide for reimbursement for business revenue lost as a result of the facility being used as emergency shelter for Katrina Survivors.

A bill (S. 1683) to provide relief for students affected by Hurricane Katrina.

A bill (S. 1684) to clarify which expenses relating to emergency shelters for Katrina Survivors are eligible for Federal reimbursement.

A bill (S. 1688) to provide for 100 percent Federal financial assistance under the Medicaid and State children's health insurance programs for States providing medical or child health assistance to survivors of Hurricane Katrina, to provide for an accommodation of the special needs of such survivors under the Medicare program, and for other purposes.

Mr. FRIST. Mr. President, I now ask for a second reading and, in order to place the bills on the calendar under the provisions of rule XIV, I object to my own requests en bloc.

The PRESIDING OFFICER. Objection is heard. The bills will have their second reading on the next legislative day.

NATIONAL FLOOD INSURANCE ENHANCED BORROWING AUTHORITY ACT OF 2005

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3669, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislation clerk read as follows:

A bill (H.R. 3669) to temporarily increase the borrowing authority of the Federal Emergency Management Agency for carrying out the national flood insurance program.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3669) was read the third time, and passed.

Mr. FRIST. Mr. President, this National Flood Insurance Enhanced Borrowing Authority Act of 2005 is another example of the bills we are bringing to the Senate floor and working on in a bipartisan way because we are addressing quickly, responsively, and aggressively the natural disaster hurricane and its aftermath. There have been several of these bills over the last week, and we will continue to address them as they are presented to us and as they come forward—again, working together in a bipartisan way.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276–276g, as amended, appoints the following Senators as members of the Senate Delegation to the Canada-U.S. Interparliamentary Group during the First Session of the 109th Congress: the Honorable CHARLES E. GRASSLEY of Iowa, the Honorable TRENT LOTT of Mississippi, the Honorable GEORGE V. VOINOVICH of Ohio, the Honorable SAXBY CHAMBLISS of Georgia, and the Honorable RICHARD BURR of North Carolina.

The Chair, on behalf of the President pro tempore, pursuant to Public Law 99–498, re-appoints the following individual to a 3-year term, commencing on October 1, 2005, as a member of the Advisory Committee on Student Financial Assistance: Claude O. Pressnell, Jr., of Tennessee.

ORDERS FOR TUESDAY, SEPTEMBER 13, 2005

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:45 a.m. on Tuesday, September 13. I further ask unanimous consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period of morning business for up to 60 minutes with the first 30 minutes under the control of the majority leader or his designee and the final 30 minutes under the control of the minority leader or his designee; provided that following morning business, the Senate proceed to the consideration of H.R. 2862, the Commerce-Justice-Science appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I further ask unanimous consent that at 12:10, the Senate resume consideration of S.J. Res. 20; provided further that there then be 20 minutes equally divided for debate between Senators INHOFE and LEAHY or their designees, and that following the debate, the Senate proceed to the vote on adoption of the joint resolution with no intervening action or debate. I further ask unanimous consent that following that vote, the Senate then recess until 2:15 for the weekly policy luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, under the order just entered, our next vote will be at 12:30 tomorrow on the pending disapproval resolution. Prior to that vote, we will resume consideration of the Commerce-Justice-Science appropriations bill. We will be working in the morning with the two managers to begin to see how many amendments remain and which of the pending amendments are ready for votes. Again, I encourage Members to contact the chairman and ranking member and alert them if they intend to offer an amendment from that list.

Tomorrow, we hope to make good progress on the bill as we move toward final passage. We will alert Senators as we stack additional votes throughout the afternoon. I also ask my colleagues for their additional consideration during rollcall votes. We will try to provide some continuity to the committee hearings and nomination hearings over the course of this week. I ask Members to be prompt for rollcall votes so that we can dispose of these amendments in a timely fashion.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8 p.m., adjourned until Tuesday, September 13, 2005, at 9:45 a.m.